

As Pending in the House Finance Committee

134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 110

Representative Oelslager

A BILL

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5103.163, 5119.191, 5123.025, 5123.026, 5123.034, 5165.261, and 293
5751.015 of the Revised Code be enacted to read as follows: 294

Sec. 9.27. (A) As used in this section, "state" and "state 295
agency" mean the state of Ohio, including the general assembly, 296
the supreme court, the offices of all elected state officers, and 297
all departments, boards, offices, commissions, agencies, 298
institutions, and other instrumentalities of the state of Ohio. 299

(B) Except as otherwise required or permitted by state or 300
federal law, a contract entered into by the state for the 301
procurement of goods or services shall not include any of the 302
following: 303

(1) A provision that requires the state to indemnify or hold 304
harmless another person. 305

(2) A provision by which the state agrees to binding 306
arbitration or any other binding extra-judicial dispute resolution 307
process. 308

(3) A provision that names a venue for any action or dispute 309
against the state other than a court of proper jurisdiction in 310
Franklin county, Ohio. 311

(4) A provision that requires the state to agree to limit the 312
liability for any direct loss to the state for bodily injury, 313

death, or damage to property of the state caused by the 314
negligence, intentional or willful misconduct, fraudulent act, 315
recklessness, or other tortious conduct of a person or a person's 316
employees or agents, or a provision that would otherwise impose an 317
indemnification obligation on the state. 318

(5) A provision that requires the state to be bound by a term 319
or condition that is unknown to the state at the time of signing a 320
contract, that is not specifically negotiated with the state, that 321
may be unilaterally changed by the other party, or that is 322
electronically accepted by a state employee. 323

(6) A provision that provides for a person other than the 324
attorney general to serve as legal counsel for the state or for 325
any state agency, unless allowed for under the process set forth 326
in section 109.07 of the Revised Code. 327

(7) A provision that is inconsistent with the state's 328
obligations under section 149.43 of the Revised Code. 329

(8) A provision for automatic renewal such that state funds 330
are or would be obligated in subsequent fiscal years. 331

(9) A provision that limits the state's ability to recover 332
the cost of cover for a replacement contractor. 333

(C) If a contract contains a term or condition described in 334
division (B) of this section, the term or condition is void ab 335
initio, and the contract containing that term or condition 336
otherwise shall be enforceable as if it did not contain such term 337
or condition. 338

(D) A contract that contains a term or condition described in 339
division (B) of this section shall be governed by and construed in 340
accordance with Ohio law notwithstanding any term or condition to 341
the contrary in the contract. 342

(E) This section does not apply to a contract in effect 343

before the effective date of this section or to the renewal or 344
extension of a contract in effect before the effective date of 345
this section. 346

Sec. 9.821. (A) The department of administrative services 347
shall direct and manage for state agencies all risk management and 348
insurance programs authorized under section 9.822 of the Revised 349
Code. 350

(B) The office of risk management is hereby established 351
within the department of administrative services. The director of 352
administrative services, or a deputy director appointed by the 353
director, shall control and supervise the office. 354

(C) The office may take any of the following actions that it 355
determines to be in the best interests of the state: 356

(1) Provide all insurance coverages for the state, including, 357
but not limited to, ~~automobile~~ vehicle liability, casualty, 358
property, public liability, and fidelity bonding. The cost of 359
insurance coverage shall be paid from appropriations made to the 360
state agencies that the office has designated to receive the 361
coverage. 362

(2) Provide coverage of legal expenses that are necessary and 363
related to the legal defense of claims against the state; 364

(3) Purchase insurance policies consistent with sections 365
125.01 to 125.111 of the Revised Code, develop and administer 366
self-insurance programs, or do both; 367

(4) Consolidate and combine state insurance coverages; 368

(5) Provide technical services in risk management and 369
insurance to state agencies; 370

(6) Adopt and publish, in accordance with section 111.15 of 371
the Revised Code, necessary rules and procedures governing the 372
administration of the state's insurance and risk management 373

activities. 374

(D) No state agency, except a state agency exempted under 375
section 125.02 or 125.04 of the Revised Code from the department's 376
purchasing authority, shall purchase any insurance described in 377
this section except as authorized by the department, when the 378
office of risk management determines that the purchase is in the 379
best interest of the state pursuant to division (C)(1) of this 380
section, and in accordance with terms, conditions, and procurement 381
methods established by the department. 382

(E) With respect to any civil action, demand, or claim 383
against the state that could be filed in the court of claims, 384
nothing in sections 9.82 to 9.823 of the Revised Code shall be 385
interpreted to permit the settlement or compromise of those civil 386
actions, demands, or claims, except in the manner provided in 387
Chapter 2743. of the Revised Code. 388

(F) The department of administrative services and the office 389
of risk management, while acting pursuant to the responsibilities 390
prescribed in sections 9.82 to 9.83 of the Revised Code, are 391
performing a public duty, as defined in section 2743.01 of the 392
Revised Code. 393

Sec. 9.822. (A) The department of administrative services 394
through the office of risk management shall establish an insurance 395
plan or plans that may provide for self-insurance or the purchase 396
of insurance, or both, for ~~either~~ any of the following purposes: 397

(1) Insuring state real and personal property against losses 398
occasioned by fire, windstorm, or other accidents and perils; 399

(2) Insuring the state and its officers and employees against 400
liability resulting from any civil action, demand, or claim 401
against the state or its officers and employees arising out of any 402
act or omission of an officer or employee in the performance of 403

official duties, except acts and omissions for which 404
indemnification is prohibited under section 9.87 of the Revised 405
Code; 406

(3) Insuring and maintaining a judicial liability program. 407

(B) The department of administrative services through the 408
office of risk management shall establish ~~one or more insurance~~ 409
~~plans that provide for the purchase of insurance and administer a~~ 410
crime and bond program for the purpose of insuring the state 411
~~through the fidelity bonding of state officers, employees, and~~ 412
~~agents who are required by law to provide a fidelity bond. Nothing~~ 413
~~in this section shall be construed to allow the department of~~ 414
~~administrative services through the office of risk management to~~ 415
~~administer the state's fidelity bonding program through a program~~ 416
~~of self insurance. and third parties against loss due to the~~ 417
dishonest acts of state officers, employees, and agents. In 418
addition, public official bonds shall be purchased for all 419
officials and employees who are required by law to provide a bond. 420
Such bonds may be in the form of a blanket bond, or scheduled 421
position bond, provided the penal sums meet the statutory 422
requirement. 423

Sec. 9.83. (A) The state and any political subdivision may 424
procure a policy or policies of insurance insuring its officers 425
and employees against liability for injury, death, or loss to 426
person or property that ~~arises out of the operation of an~~ 427
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 428
~~self propelling equipment or trailer, aircraft, or watercraft by~~ 429
~~the officers or employees while engaged~~ occurs in the course of 430
their employment or official responsibilities for the state or the 431
political subdivision. The state is authorized to expend funds to 432
pay judgments that are rendered in any court against its officers 433
or employees ~~and that result from such operation,~~ and is 434

authorized to expend funds to compromise claims for liability 435
against its officers or employees ~~that result from such operation.~~ 436
No insurer shall deny coverage under such a policy, and the state 437
shall not refuse to pay judgments or compromise claims, on the 438
ground that an automobile, truck, motor vehicle with auxiliary 439
equipment, self-propelling equipment or trailer, aircraft, or 440
watercraft was not being used in the course of an officer's or 441
employee's employment or official responsibilities for the state 442
or a political subdivision unless the officer or employee who was 443
operating an automobile, truck, motor vehicle with auxiliary 444
equipment, or self-propelling equipment or trailer is convicted of 445
a violation of section 124.71 of the Revised Code as a result of 446
the same events. 447

(B) Funds shall be reserved as necessary, in the exercise of 448
sound and prudent actuarial judgment, to cover potential expense, 449
fees, damage, loss, or other liability. The office of risk 450
management may recommend or, if the state requests of the office 451
of risk management, shall recommend a specific amount for any 452
period of time that, in the opinion of the office of risk 453
management, represents such a judgment. 454

(C) Nothing in this section shall be construed to require the 455
department of administrative services to purchase liability 456
insurance for all ~~state vehicles~~ liabilities in a single policy of 457
insurance or to cover all ~~state vehicles~~ liabilities under a 458
single plan of self-insurance. 459

(D) Insurance procured by the state pursuant to this section 460
shall be procured as provided in division (G) of section 125.02 of 461
the Revised Code. 462

(E) For purposes of liability insurance procured under this 463
section to cover the operation of a motor vehicle by a prisoner 464
for whom the insurance is procured, "employee" includes a prisoner 465
in the custody of the department of rehabilitation and correction 466

who is enrolled in a work program that is established by the 467
department pursuant to section 5145.16 of the Revised Code and in 468
which the prisoner is required to operate a motor vehicle, as 469
defined in section 4509.01 of the Revised Code, and who is engaged 470
in the operation of a motor vehicle in the course of the work 471
program. 472

(F) All contributions collected by the director of 473
administrative services under division (H) of this section shall 474
be deposited into the risk management reserve fund created in 475
section 9.823 of the Revised Code to the credit of the ~~vehicle~~ 476
liability program. 477

(G) Reserves shall be maintained in the risk management 478
reserve fund to the credit of the ~~vehicle~~ liability program in any 479
amount that is necessary and adequate, in the exercise of sound 480
and prudent actuarial judgment, to cover potential liability 481
claims, expenses, fees, or damages. Money in the fund may be 482
applied to the payment of liability claims that are filed against 483
the state in the court of claims and determined in the manner 484
provided in Chapter 2743. of the Revised Code. The director of 485
administrative services may procure the services of a qualified 486
actuarial firm for the purpose of recommending the specific amount 487
of money that is required to maintain adequate reserves for a 488
specified period of time. 489

(H) The director of administrative services shall collect 490
from each state agency or any participating state body its 491
contribution to the ~~vehicle~~ liability program for the purpose of 492
purchasing insurance or administering self-insurance programs for 493
coverage authorized under this section. The amount of the 494
contribution shall be determined by the director, with the 495
approval of the director of budget and management. It shall be 496
based upon actuarial assumptions and the relative risk and loss 497
experience of each state agency or participating state body. The 498

amount of the contribution also shall include a reasonable sum to 499
cover administrative costs of the department of administrative 500
services. The amounts collected pursuant to this division shall be 501
deposited in the risk management reserve fund to the credit of the 502
vehicle liability program. 503

Sec. 101.15. (A) As used in this section: 504

(1) "Caucus" means all of the members of either house of the 505
general assembly who are members of the same political party. 506

(2) "Committee" means any committee of either house of the 507
general assembly, a joint committee of both houses of the general 508
assembly, including a committee of conference, or a subcommittee 509
of any committee listed in division (A)(2) of this section. 510

(3) "Meeting" means any prearranged discussion of the public 511
business of a committee by a majority of its members. 512

(4) "Standing committee caucus" means all of the members of a 513
standing committee of either house of the general assembly who are 514
members of the same political party. 515

(B) Except as otherwise provided in division (F) of this 516
section, all meetings of any committee are declared to be public 517
meetings open to the public at all times. The secretary assigned 518
to the chairperson of the committee shall prepare, file, and 519
maintain the minutes of every regular or special meeting of a 520
committee. The committee, at its next regular or special meeting, 521
shall approve the minutes prepared, filed, and maintained by the 522
secretary, or, if the minutes prepared, filed, and maintained by 523
the secretary require correction before their approval, the 524
committee shall correct and approve the minutes at the next 525
following regular or special meeting. The committee shall make the 526
minutes available for public inspection not later than seven days 527
after the meeting the minutes reflect or not later than the 528

committee's next regular or special meeting, whichever occurs 529
first. 530

(C) Each committee shall establish a reasonable method 531
whereby any person may determine the time and place of all 532
regularly scheduled meetings and the time, place, and purpose of 533
all special meetings. No committee shall hold a regular or special 534
meeting unless it gives at least twenty-four hours' advance notice 535
to the news media that have requested notification. 536

The method established by each committee shall provide that, 537
upon request and payment of a reasonable fee, any person may 538
obtain reasonable advance notification of all meetings at which 539
any specific type of public business will be discussed. Provisions 540
for advance notification may include, but are not limited to, 541
mailing the agenda of meetings to all subscribers on a mailing 542
list or mailing notices in self-addressed stamped envelopes 543
provided by the person who desires advance notification. 544

(D) Any action of a committee relating to a bill or 545
resolution, or any other formal action of a committee, is invalid 546
unless taken in an open meeting of the committee. Any action of a 547
committee relating to a bill or resolution, or any other formal 548
action of a committee, taken in an open meeting is invalid if it 549
results from deliberations in a meeting not open to the public. 550

(E)(1) Any person may bring an action to enforce this 551
section. An action under this division shall be brought within two 552
years after the date of the alleged violation or threatened 553
violation. Upon proof of a violation or threatened violation of 554
this section in an action brought by any person, the court of 555
common pleas shall issue an injunction to compel the members of 556
the committee to comply with its provisions. 557

(2)(a) If the court of common pleas issues an injunction 558
under division (E)(1) of this section, the court shall order the 559

committee that it enjoins to pay a civil forfeiture of five 560
hundred dollars to the party that sought the injunction and shall 561
award to that party all court costs and, subject to reduction as 562
described in this division, reasonable attorney's fees. The court, 563
in its discretion, may reduce an award of attorney's fees to the 564
party that sought the injunction or not award attorney's fees to 565
that party if the court determines both of the following: 566

(i) That, based on the ordinary application of statutory law 567
and case law as it existed at the time of the violation or 568
threatened violation that was the basis of the injunction, a 569
well-informed committee reasonably would believe that the 570
committee was not violating or threatening to violate this 571
section; 572

(ii) That a well-informed committee reasonably would believe 573
that the conduct or threatened conduct that was the basis of the 574
injunction would serve the public policy that underlies the 575
authority that is asserted as permitting that conduct or 576
threatened conduct. 577

(b) If the court of common pleas does not issue an injunction 578
under division (E)(1) of this section and the court determines at 579
that time that the bringing of the action was frivolous conduct as 580
defined in division (A) of section 2323.51 of the Revised Code, 581
the court shall award to the committee all court costs and 582
reasonable attorney's fees, as determined by the court. 583

(3) Irreparable harm and prejudice to the party that sought 584
the injunction shall be conclusively and irrebuttably presumed 585
upon proof of a violation or threatened violation of this section. 586

(4) A member of a committee who knowingly violates an 587
injunction issued under division (E)(1) of this section may be 588
removed from office by an action brought in the court of common 589
pleas for that purpose by the prosecuting attorney of Franklin 590

county or by the attorney general. 591

(5) The remedies described in divisions (E)(1) to (4) of this 592
section shall be the exclusive remedies for a violation of this 593
section. 594

(F) This section does not apply to or affect either of the 595
following: 596

(1) All meetings of the joint legislative ethics committee 597
created under section 101.34 of the Revised Code other than a 598
meeting that is held for any of the following purposes: 599

(a) To consider the adoption, amendment, or rescission of any 600
rule that the joint legislative ethics committee is authorized to 601
adopt pursuant to division (B)(11) of section 101.34, division (E) 602
of section 101.78, division (B) of section 102.02, or division (E) 603
of section 121.68 of the Revised Code; 604

(b) To discuss and consider changes to any administrative 605
operation of the joint legislative ethics committee other than any 606
matter described in division (G) of section 121.22 of the Revised 607
Code; 608

(c) To discuss pending or proposed legislation. 609

(2) Meetings of a caucus; 610

(3) Meetings of a standing committee caucus. 611

(G) For purposes of division (F)(1)(a) of this section, an 612
advisory opinion, written opinion, or decision relative to a 613
complaint is not a rule. 614

Sec. 102.02. (A)(1) Except as otherwise provided in division 615
(H) of this section, all of the following shall file with the 616
appropriate ethics commission the disclosure statement described 617
in this division on a form prescribed by the appropriate 618
commission: every person who is elected to or is a candidate for a 619

state, county, or city office and every person who is appointed to 620
fill a vacancy for an unexpired term in such an elective office; 621
all members of the state board of education; the director, 622
assistant directors, deputy directors, division chiefs, or persons 623
of equivalent rank of any administrative department of the state; 624
the president or other chief administrative officer of every state 625
institution of higher education as defined in section 3345.011 of 626
the Revised Code; the executive director and the members of the 627
capitol square review and advisory board appointed or employed 628
pursuant to section 105.41 of the Revised Code; all members of the 629
Ohio casino control commission, the executive director of the 630
commission, all professional employees of the commission, and all 631
technical employees of the commission who perform an internal 632
audit function; the individuals set forth in division (B)(2) of 633
section 187.03 of the Revised Code; the chief executive officer 634
and the members of the board of each state retirement system; each 635
employee of a state retirement board who is a state retirement 636
system investment officer licensed pursuant to section 1707.163 of 637
the Revised Code; the members of the Ohio retirement study council 638
appointed pursuant to division (C) of section 171.01 of the 639
Revised Code; employees of the Ohio retirement study council, 640
other than employees who perform purely administrative or clerical 641
functions; the administrator of workers' compensation and each 642
member of the bureau of workers' compensation board of directors; 643
the bureau of workers' compensation director of investments; the 644
chief investment officer of the bureau of workers' compensation; 645
all members of the board of commissioners on grievances and 646
discipline of the supreme court and the ethics commission created 647
under section 102.05 of the Revised Code; every business manager, 648
treasurer, or superintendent of a city, local, exempted village, 649
joint vocational, or cooperative education school district or an 650
educational service center; every person who is elected to or is a 651
candidate for the office of member of a board of education of a 652

city, local, exempted village, joint vocational, or cooperative 653
education school district or of a governing board of an 654
educational service center that has a total student count of 655
twelve thousand or more as most recently determined by the 656
department of education pursuant to section 3317.03 of the Revised 657
Code; every person who is appointed to the board of education of a 658
municipal school district pursuant to division (B) or (F) of 659
section 3311.71 of the Revised Code; all members of the board of 660
directors of a sanitary district that is established under Chapter 661
6115. of the Revised Code and organized wholly for the purpose of 662
providing a water supply for domestic, municipal, and public use, 663
and that includes two municipal corporations in two counties; 664
every public official or employee who is paid a salary or wage in 665
accordance with schedule C of section 124.15 or schedule E-2 of 666
section 124.152 of the Revised Code; ~~members of the board of~~ 667
~~trustees and the executive director of the southern Ohio~~ 668
~~agricultural and community development foundation;~~ all members 669
appointed to the Ohio livestock care standards board under section 670
904.02 of the Revised Code; all entrepreneurs in residence 671
assigned by the LeanOhio office in the department of 672
administrative services under section 125.65 of the Revised Code 673
and every other public official or employee who is designated by 674
the appropriate ethics commission pursuant to division (B) of this 675
section. 676

(2) The disclosure statement shall include all of the 677
following: 678

(a) The name of the person filing the statement and each 679
member of the person's immediate family and all names under which 680
the person or members of the person's immediate family do 681
business; 682

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 683
section and except as otherwise provided in section 102.022 of the 684

Revised Code, identification of every source of income, other than 685
income from a legislative agent identified in division 686
(A)(2)(b)(ii) of this section, received during the preceding 687
calendar year, in the person's own name or by any other person for 688
the person's use or benefit, by the person filing the statement, 689
and a brief description of the nature of the services for which 690
the income was received. If the person filing the statement is a 691
member of the general assembly, the statement shall identify the 692
amount of every source of income received in accordance with the 693
following ranges of amounts: zero or more, but less than one 694
thousand dollars; one thousand dollars or more, but less than ten 695
thousand dollars; ten thousand dollars or more, but less than 696
twenty-five thousand dollars; twenty-five thousand dollars or 697
more, but less than fifty thousand dollars; fifty thousand dollars 698
or more, but less than one hundred thousand dollars; and one 699
hundred thousand dollars or more. Division (A)(2)(b)(i) of this 700
section shall not be construed to require a person filing the 701
statement who derives income from a business or profession to 702
disclose the individual items of income that constitute the gross 703
income of that business or profession, except for those individual 704
items of income that are attributable to the person's or, if the 705
income is shared with the person, the partner's, solicitation of 706
services or goods or performance, arrangement, or facilitation of 707
services or provision of goods on behalf of the business or 708
profession of clients, including corporate clients, who are 709
legislative agents. A person who files the statement under this 710
section shall disclose the identity of and the amount of income 711
received from a person who the public official or employee knows 712
or has reason to know is doing or seeking to do business of any 713
kind with the public official's or employee's agency. 714

(ii) If the person filing the statement is a member of the 715
general assembly, the statement shall identify every source of 716
income and the amount of that income that was received from a 717

legislative agent during the preceding calendar year, in the 718
person's own name or by any other person for the person's use or 719
benefit, by the person filing the statement, and a brief 720
description of the nature of the services for which the income was 721
received. Division (A)(2)(b)(ii) of this section requires the 722
disclosure of clients of attorneys or persons licensed under 723
section 4732.12 of the Revised Code, or patients of persons 724
licensed under section 4731.14 of the Revised Code, if those 725
clients or patients are legislative agents. Division (A)(2)(b)(ii) 726
of this section requires a person filing the statement who derives 727
income from a business or profession to disclose those individual 728
items of income that constitute the gross income of that business 729
or profession that are received from legislative agents. 730

(iii) Except as otherwise provided in division (A)(2)(b)(iii) 731
of this section, division (A)(2)(b)(i) of this section applies to 732
attorneys, physicians, and other persons who engage in the 733
practice of a profession and who, pursuant to a section of the 734
Revised Code, the common law of this state, a code of ethics 735
applicable to the profession, or otherwise, generally are required 736
not to reveal, disclose, or use confidences of clients, patients, 737
or other recipients of professional services except under 738
specified circumstances or generally are required to maintain 739
those types of confidences as privileged communications except 740
under specified circumstances. Division (A)(2)(b)(i) of this 741
section does not require an attorney, physician, or other 742
professional subject to a confidentiality requirement as described 743
in division (A)(2)(b)(iii) of this section to disclose the name, 744
other identity, or address of a client, patient, or other 745
recipient of professional services if the disclosure would 746
threaten the client, patient, or other recipient of professional 747
services, would reveal details of the subject matter for which 748
legal, medical, or professional advice or other services were 749
sought, or would reveal an otherwise privileged communication 750

involving the client, patient, or other recipient of professional 751
services. Division (A)(2)(b)(i) of this section does not require 752
an attorney, physician, or other professional subject to a 753
confidentiality requirement as described in division 754
(A)(2)(b)(iii) of this section to disclose in the brief 755
description of the nature of services required by division 756
(A)(2)(b)(i) of this section any information pertaining to 757
specific professional services rendered for a client, patient, or 758
other recipient of professional services that would reveal details 759
of the subject matter for which legal, medical, or professional 760
advice was sought or would reveal an otherwise privileged 761
communication involving the client, patient, or other recipient of 762
professional services. 763

(c) The name of every corporation on file with the secretary 764
of state that is incorporated in this state or holds a certificate 765
of compliance authorizing it to do business in this state, trust, 766
business trust, partnership, or association that transacts 767
business in this state in which the person filing the statement or 768
any other person for the person's use and benefit had during the 769
preceding calendar year an investment of over one thousand dollars 770
at fair market value as of the thirty-first day of December of the 771
preceding calendar year, or the date of disposition, whichever is 772
earlier, or in which the person holds any office or has a 773
fiduciary relationship, and a description of the nature of the 774
investment, office, or relationship. Division (A)(2)(c) of this 775
section does not require disclosure of the name of any bank, 776
savings and loan association, credit union, or building and loan 777
association with which the person filing the statement has a 778
deposit or a withdrawable share account. 779

(d) All fee simple and leasehold interests to which the 780
person filing the statement holds legal title to or a beneficial 781
interest in real property located within the state, excluding the 782

person's residence and property used primarily for personal 783
recreation; 784

(e) The names of all persons residing or transacting business 785
in the state to whom the person filing the statement owes, in the 786
person's own name or in the name of any other person, more than 787
one thousand dollars. Division (A)(2)(e) of this section shall not 788
be construed to require the disclosure of debts owed by the person 789
resulting from the ordinary conduct of a business or profession or 790
debts on the person's residence or real property used primarily 791
for personal recreation, except that the superintendent of 792
financial institutions and any deputy superintendent of banks 793
shall disclose the names of all state-chartered banks and all bank 794
subsidiary corporations subject to regulation under section 795
1109.44 of the Revised Code to whom the superintendent or deputy 796
superintendent owes any money. 797

(f) The names of all persons residing or transacting business 798
in the state, other than a depository excluded under division 799
(A)(2)(c) of this section, who owe more than one thousand dollars 800
to the person filing the statement, either in the person's own 801
name or to any person for the person's use or benefit. Division 802
(A)(2)(f) of this section shall not be construed to require the 803
disclosure of clients of attorneys or persons licensed under 804
section 4732.12 of the Revised Code, or patients of persons 805
licensed under section 4731.14 of the Revised Code, nor the 806
disclosure of debts owed to the person resulting from the ordinary 807
conduct of a business or profession. 808

(g) Except as otherwise provided in section 102.022 of the 809
Revised Code, the source of each gift of over seventy-five 810
dollars, or of each gift of over twenty-five dollars received by a 811
member of the general assembly from a legislative agent, received 812
by the person in the person's own name or by any other person for 813
the person's use or benefit during the preceding calendar year, 814

except gifts received by will or by virtue of section 2105.06 of 815
the Revised Code, or received from spouses, parents, grandparents, 816
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 817
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 818
fathers-in-law, mothers-in-law, or any person to whom the person 819
filing the statement stands in loco parentis, or received by way 820
of distribution from any inter vivos or testamentary trust 821
established by a spouse or by an ancestor; 822

(h) Except as otherwise provided in section 102.022 of the 823
Revised Code, identification of the source and amount of every 824
payment of expenses incurred for travel to destinations inside or 825
outside this state that is received by the person in the person's 826
own name or by any other person for the person's use or benefit 827
and that is incurred in connection with the person's official 828
duties, except for expenses for travel to meetings or conventions 829
of a national or state organization to which any state agency, 830
including, but not limited to, any legislative agency or state 831
institution of higher education as defined in section 3345.011 of 832
the Revised Code, pays membership dues, or any political 833
subdivision or any office or agency of a political subdivision 834
pays membership dues; 835

(i) Except as otherwise provided in section 102.022 of the 836
Revised Code, identification of the source of payment of expenses 837
for meals and other food and beverages, other than for meals and 838
other food and beverages provided at a meeting at which the person 839
participated in a panel, seminar, or speaking engagement or at a 840
meeting or convention of a national or state organization to which 841
any state agency, including, but not limited to, any legislative 842
agency or state institution of higher education as defined in 843
section 3345.011 of the Revised Code, pays membership dues, or any 844
political subdivision or any office or agency of a political 845
subdivision pays membership dues, that are incurred in connection 846

with the person's official duties and that exceed one hundred 847
dollars aggregated per calendar year; 848

(j) If the disclosure statement is filed by a public official 849
or employee described in division (B)(2) of section 101.73 of the 850
Revised Code or division (B)(2) of section 121.63 of the Revised 851
Code who receives a statement from a legislative agent, executive 852
agency lobbyist, or employer that contains the information 853
described in division (F)(2) of section 101.73 of the Revised Code 854
or division (G)(2) of section 121.63 of the Revised Code, all of 855
the nondisputed information contained in the statement delivered 856
to that public official or employee by the legislative agent, 857
executive agency lobbyist, or employer under division (F)(2) of 858
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 859

(3) A person may file a statement required by this section in 860
person, by mail, or by electronic means. 861

(4) A person who is required to file a statement under this 862
section shall file that statement according to the following 863
deadlines, as applicable: 864

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 865
and (d) of this section, the person shall file the statement not 866
later than the fifteenth day of May of each year. 867

(b) A person who is a candidate for elective office shall 868
file the statement no later than the thirtieth day before the 869
primary, special, or general election at which the candidacy is to 870
be voted on, whichever election occurs soonest, except that a 871
person who is a write-in candidate shall file the statement no 872
later than the twentieth day before the earliest election at which 873
the person's candidacy is to be voted on. 874

(c) A person who is appointed to fill a vacancy for an 875
unexpired term in an elective office shall file the statement 876
within fifteen days after the person qualifies for office. 877

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

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

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

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

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

Disclosure statements filed under this division with the Ohio

ethics commission by members of boards, commissions, or bureaus of 909
the state for which no compensation is received other than 910
reasonable and necessary expenses shall be kept confidential. 911
Disclosure statements filed with the Ohio ethics commission under 912
division (A) of this section by business managers, treasurers, and 913
superintendents of city, local, exempted village, joint 914
vocational, or cooperative education school districts or 915
educational service centers shall be kept confidential, except 916
that any person conducting an audit of any such school district or 917
educational service center pursuant to Chapter 117. of the Revised 918
Code may examine the disclosure statement of any business manager, 919
treasurer, or superintendent of that school district or 920
educational service center. Disclosure statements filed with the 921
Ohio ethics commission under division (A) of this section by the 922
individuals set forth in division (B)(2) of section 187.03 of the 923
Revised Code shall be kept confidential. The Ohio ethics 924
commission shall examine each disclosure statement required to be 925
kept confidential to determine whether a potential conflict of 926
interest exists for the person who filed the disclosure statement. 927
A potential conflict of interest exists if the private interests 928
of the person, as indicated by the person's disclosure statement, 929
might interfere with the public interests the person is required 930
to serve in the exercise of the person's authority and duties in 931
the person's office or position of employment. If the commission 932
determines that a potential conflict of interest exists, it shall 933
notify the person who filed the disclosure statement and shall 934
make the portions of the disclosure statement that indicate a 935
potential conflict of interest subject to public inspection in the 936
same manner as is provided for other disclosure statements. Any 937
portion of the disclosure statement that the commission determines 938
does not indicate a potential conflict of interest shall be kept 939
confidential by the commission and shall not be made subject to 940
public inspection, except as is necessary for the enforcement of 941

Chapters 102. and 2921. of the Revised Code and except as 942
otherwise provided in this division. 943

(C) No person shall knowingly fail to file, on or before the 944
applicable filing deadline established under this section, a 945
statement that is required by this section. 946

(D) No person shall knowingly file a false statement that is 947
required to be filed under this section. 948

(E)(1) Except as provided in divisions (E)(2) and (3) of this 949
section, the statement required by division (A) or (B) of this 950
section shall be accompanied by a filing fee of sixty dollars. 951

(2) The statement required by division (A) of this section 952
shall be accompanied by the following filing fee to be paid by the 953
person who is elected or appointed to, or is a candidate for, any 954
of the following offices: 955

For state office, except member of the		956
state board of education	\$95	957
For office of member of general assembly	\$40	958
For county office	\$60	959
For city office	\$35	960
For office of member of the state board		961
of education	\$35	962
For office of member of a city, local,		963
exempted village, or cooperative		964
education board of		965
education or educational service		966
center governing board	\$30	967
For position of business manager,		968
treasurer, or superintendent of a		969
city, local, exempted village, joint		970
vocational, or cooperative education		971
school district or		972

educational service center \$30 973

(3) No judge of a court of record or candidate for judge of a 974
court of record, and no referee or magistrate serving a court of 975
record, shall be required to pay the fee required under division 976
(E)(1) or (2) or (F) of this section. 977

(4) For any public official who is appointed to a nonelective 978
office of the state and for any employee who holds a nonelective 979
position in a public agency of the state, the state agency that is 980
the primary employer of the state official or employee shall pay 981
the fee required under division (E)(1) or (F) of this section. 982

(F) If a statement required to be filed under this section is 983
not filed by the date on which it is required to be filed, the 984
appropriate ethics commission shall assess the person required to 985
file the statement a late filing fee of ten dollars for each day 986
the statement is not filed, except that the total amount of the 987
late filing fee shall not exceed two hundred fifty dollars. 988

(G)(1) The appropriate ethics commission other than the Ohio 989
ethics commission and the joint legislative ethics committee shall 990
deposit all fees it receives under divisions (E) and (F) of this 991
section into the general revenue fund of the state. 992

(2) The Ohio ethics commission shall deposit all receipts, 993
including, but not limited to, fees it receives under divisions 994
(E) and (F) of this section, investigative or other fees, costs, 995
or other funds it receives as a result of court orders, and all 996
moneys it receives from settlements under division (G) of section 997
102.06 of the Revised Code, into the Ohio ethics commission fund, 998
which is hereby created in the state treasury. All moneys credited 999
to the fund shall be used solely for expenses related to the 1000
operation and statutory functions of the commission. 1001

(3) The joint legislative ethics committee shall deposit all 1002
receipts it receives from the payment of financial disclosure 1003

statement filing fees under divisions (E) and (F) of this section 1004
into the joint legislative ethics committee investigative and 1005
financial disclosure fund. 1006

(H) Division (A) of this section does not apply to a person 1007
elected or appointed to the office of precinct, ward, or district 1008
committee member under Chapter 3517. of the Revised Code; a 1009
presidential elector; a delegate to a national convention; village 1010
or township officials and employees; any physician or psychiatrist 1011
who is paid a salary or wage in accordance with schedule C of 1012
section 124.15 or schedule E-2 of section 124.152 of the Revised 1013
Code and whose primary duties do not require the exercise of 1014
administrative discretion; or any member of a board, commission, 1015
or bureau of any county or city who receives less than one 1016
thousand dollars per year for serving in that position. 1017

Sec. 107.03. (A) As used in this section, "transportation 1018
budget" means the biennial budget that primarily includes the 1019
following: 1020

(1) Motor fuel excise tax-related appropriations for the 1021
department of transportation, public works commission, and 1022
development services agency; 1023

(2) Other appropriations that pertain to transportation and 1024
infrastructure related to transportation. 1025

(B) The governor shall submit a transportation budget to the 1026
general assembly not later than four weeks after the general 1027
assembly's organization. 1028

(C) The governor shall submit to the general assembly, not 1029
later than four weeks after its organization, a state budget 1030
containing a complete financial plan for the ensuing fiscal 1031
biennium, excluding items of revenue and expenditure described in 1032
section 126.022 of the Revised Code. However, in years of a new 1033

governor's inauguration, this budget shall be submitted not later 1034
than the fifteenth day of March. 1035

(D) In years of a new governor's inauguration, only the new 1036
governor shall submit a budget to the general assembly. In 1037
addition to other things required by law, each of the governor's 1038
budgets shall contain: 1039

(1) A general budget summary by function and agency setting 1040
forth the proposed total expenses from each and all funds and the 1041
anticipated resources for meeting such expenses; such resources to 1042
include any available balances in the several funds at the 1043
beginning of the biennium and a classification by totals of all 1044
revenue receipts estimated to accrue during the biennium under 1045
existing law and proposed legislation. 1046

(2) A detailed statement showing the amounts recommended to 1047
be appropriated from each fund for each fiscal year of the 1048
biennium for current expenses, including, but not limited to, 1049
personal services, supplies and materials, equipment, subsidies 1050
and revenue distribution, merchandise for resale, transfers, and 1051
nonexpense disbursements, obligations, interest on debt, and 1052
retirement of debt, and for the biennium for capital outlay, to 1053
the respective departments, offices, institutions, as defined in 1054
section 121.01 of the Revised Code, and all other public purposes; 1055
and, in comparative form, the actual expenses by source of funds 1056
during each fiscal year of the previous two bienniums for each 1057
such purpose. No alterations shall be made in the requests for the 1058
legislative and judicial branches of the state filed with the 1059
director of budget and management under section 126.02 of the 1060
Revised Code. If any amount of federal money is recommended to be 1061
appropriated or has been expended for a purpose for which state 1062
money also is recommended to be appropriated or has been expended, 1063
the amounts of federal money and state money involved shall be 1064
separately identified. 1065

(3) A detailed estimate of the revenue receipts in each fund 1066
from each source under existing laws during each year of the 1067
biennium; and, in comparative form, actual revenue receipts in 1068
each fund from each source for each year of the two previous 1069
bienniums; 1070

(4) The estimated cash balance in each fund at the beginning 1071
of the biennium covered by the budget; the estimated liabilities 1072
outstanding against each such balance; and the estimated net 1073
balance remaining and available for new appropriations; 1074

(5) A detailed estimate of the additional revenue receipts in 1075
each fund from each source under proposed legislation, if enacted, 1076
during each year of the biennium; 1077

(6) A description of each tax expenditure; a detailed 1078
estimate of the amount of revenues not available to the general 1079
revenue fund under existing laws during each fiscal year of the 1080
biennium covered by the budget due to the operation of each tax 1081
expenditure; and, in comparative form, the amount of revenue not 1082
available to the general revenue fund during each fiscal year of 1083
the immediately preceding biennium due to the operation of each 1084
tax expenditure. The report prepared by the department of taxation 1085
pursuant to section 5703.48 of the Revised Code shall be submitted 1086
to the general assembly as an appendix to the governor's budget. 1087
As used in this division, "tax expenditure" has the same meaning 1088
as in section 5703.48 of the Revised Code. 1089

(7) The most recent report prepared by the tax expenditure 1090
review committee under division (F) of section 5703.95 of the 1091
Revised Code, which shall be submitted to the general assembly as 1092
an appendix to the governor's budget; 1093

(8) The most recent TANF spending plan prepared by the 1094
department of job and family services under section 5101.806 of 1095
the Revised Code, which shall be submitted to the general assembly 1096

as an appendix to the governor's budget. 1097

Sec. 107.121. Not later than thirty days following the end of 1098
each state fiscal year, the governor's office of faith-based and 1099
community initiatives shall submit a report to the speaker of the 1100
house of representatives, the president of the senate, and the 1101
director of the legislative service commission detailing all of 1102
the following: 1103

(A) A breakdown of how the office spent funds from the 1104
temporary assistance for needy families block grant, established 1105
by Title IV-A of the "Social Security Act," 42 U.S.C. 601,; 1106

(B) A breakdown of all grants the office awarded using 1107
temporary assistance for needy families block grant funds; 1108

(C) A breakdown of how each entity awarded a grant by the 1109
office using temporary assistance for needy families block grant 1110
funds spent those funds, including the following: 1111

(1) The services the entity provided; 1112

(2) The total number of individuals the entity served; 1113

(3) The total amount of money the entity spent. 1114

Sec. 109.08. The attorney general may appoint and authorize 1115
special counsel to represent the state and any political 1116
subdivision in connection with all claims of whatsoever nature 1117
which are certified to the attorney general for collection under 1118
any law or which the attorney general is authorized to collect. 1119

Such special counsel shall be paid for their services from 1120
funds collected by them in an amount approved by the attorney 1121
general. In addition to the amount certified, the amounts paid to 1122
special counsel may be assessed as collection costs consistent 1123
with section 131.02 of the Revised Code and shall be fully 1124
recoverable from the party indebted. The amounts assessed as 1125

collection costs under this section are in addition to any amounts 1126
authorized under section 109.081 of the Revised Code. 1127

The attorney general is authorized to provide to the special 1128
counsel the official letterhead stationery of the attorney 1129
general. The attorney general may authorize the special counsel to 1130
use the letterhead stationery, but only in connection with the 1131
collection of such claims arising out of amounts certified by the 1132
state and political subdivisions. 1133

The attorney general may adopt rules under Chapter 119. of 1134
the Revised Code as necessary for the implementation of this 1135
section and section 109.081 of the Revised Code. 1136

Sec. 109.57. (A)(1) The superintendent of the bureau of 1137
criminal identification and investigation shall procure from 1138
wherever procurable and file for record photographs, pictures, 1139
descriptions, fingerprints, measurements, and other information 1140
that may be pertinent of all persons who have been convicted of 1141
committing within this state a felony, any crime constituting a 1142
misdemeanor on the first offense and a felony on subsequent 1143
offenses, or any misdemeanor described in division (A)(1)(a), 1144
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1145
all children under eighteen years of age who have been adjudicated 1146
delinquent children for committing within this state an act that 1147
would be a felony or an offense of violence if committed by an 1148
adult or who have been convicted of or pleaded guilty to 1149
committing within this state a felony or an offense of violence, 1150
and of all well-known and habitual criminals. The person in charge 1151
of any county, multicounty, municipal, municipal-county, or 1152
multicounty-municipal jail or workhouse, community-based 1153
correctional facility, halfway house, alternative residential 1154
facility, or state correctional institution and the person in 1155
charge of any state institution having custody of a person 1156

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

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

offenses, involving a misdemeanor described in division (A)(1)(a), 1189
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1190
involving an adjudication in a case in which a child under 1191
eighteen years of age was alleged to be a delinquent child for 1192
committing an act that would be a felony or an offense of violence 1193
if committed by an adult. The clerk of the court of common pleas 1194
shall include in the report and summary the clerk sends under this 1195
division all information described in divisions (A)(2)(a) to (f) 1196
of this section regarding a case before the court of appeals that 1197
is served by that clerk. The summary shall be written on the 1198
standard forms furnished by the superintendent pursuant to 1199
division (B) of this section and shall include the following 1200
information: 1201

(a) The incident tracking number contained on the standard 1202
forms furnished by the superintendent pursuant to division (B) of 1203
this section; 1204

(b) The style and number of the case; 1205

(c) The date of arrest, offense, summons, or arraignment; 1206

(d) The date that the person was convicted of or pleaded 1207
guilty to the offense, adjudicated a delinquent child for 1208
committing the act that would be a felony or an offense of 1209
violence if committed by an adult, found not guilty of the 1210
offense, or found not to be a delinquent child for committing an 1211
act that would be a felony or an offense of violence if committed 1212
by an adult, the date of an entry dismissing the charge, an entry 1213
declaring a mistrial of the offense in which the person is 1214
discharged, an entry finding that the person or child is not 1215
competent to stand trial, or an entry of a nolle prosequi, or the 1216
date of any other determination that constitutes final resolution 1217
of the case; 1218

(e) A statement of the original charge with the section of 1219

the Revised Code that was alleged to be violated; 1220

(f) If the person or child was convicted, pleaded guilty, or 1221
was adjudicated a delinquent child, the sentence or terms of 1222
probation imposed or any other disposition of the offender or the 1223
delinquent child. 1224

If the offense involved the disarming of a law enforcement 1225
officer or an attempt to disarm a law enforcement officer, the 1226
clerk shall clearly state that fact in the summary, and the 1227
superintendent shall ensure that a clear statement of that fact is 1228
placed in the bureau's records. 1229

(3) The superintendent shall cooperate with and assist 1230
sheriffs, chiefs of police, and other law enforcement officers in 1231
the establishment of a complete system of criminal identification 1232
and in obtaining fingerprints and other means of identification of 1233
all persons arrested on a charge of a felony, any crime 1234
constituting a misdemeanor on the first offense and a felony on 1235
subsequent offenses, or a misdemeanor described in division 1236
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 1237
Revised Code and of all children under eighteen years of age 1238
arrested or otherwise taken into custody for committing an act 1239
that would be a felony or an offense of violence if committed by 1240
an adult. The superintendent also shall file for record the 1241
fingerprint impressions of all persons confined in a county, 1242
multicounty, municipal, municipal-county, or multicounty-municipal 1243
jail or workhouse, community-based correctional facility, halfway 1244
house, alternative residential facility, or state correctional 1245
institution for the violation of state laws and of all children 1246
under eighteen years of age who are confined in a county, 1247
multicounty, municipal, municipal-county, or multicounty-municipal 1248
jail or workhouse, community-based correctional facility, halfway 1249
house, alternative residential facility, or state correctional 1250
institution or in any facility for delinquent children for 1251

committing an act that would be a felony or an offense of violence 1252
if committed by an adult, and any other information that the 1253
superintendent may receive from law enforcement officials of the 1254
state and its political subdivisions. 1255

(4) The superintendent shall carry out Chapter 2950. of the 1256
Revised Code with respect to the registration of persons who are 1257
convicted of or plead guilty to a sexually oriented offense or a 1258
child-victim oriented offense and with respect to all other duties 1259
imposed on the bureau under that chapter. 1260

(5) The bureau shall perform centralized recordkeeping 1261
functions for criminal history records and services in this state 1262
for purposes of the national crime prevention and privacy compact 1263
set forth in section 109.571 of the Revised Code and is the 1264
criminal history record repository as defined in that section for 1265
purposes of that compact. The superintendent or the 1266
superintendent's designee is the compact officer for purposes of 1267
that compact and shall carry out the responsibilities of the 1268
compact officer specified in that compact. 1269

(6) The superintendent shall, upon request, assist a county 1270
coroner in the identification of a deceased person through the use 1271
of fingerprint impressions obtained pursuant to division (A)(1) of 1272
this section or collected pursuant to section 109.572 or 311.41 of 1273
the Revised Code. 1274

(B) The superintendent shall prepare and furnish to every 1275
county, multicounty, municipal, municipal-county, or 1276
multicounty-municipal jail or workhouse, community-based 1277
correctional facility, halfway house, alternative residential 1278
facility, or state correctional institution and to every clerk of 1279
a court in this state specified in division (A)(2) of this section 1280
standard forms for reporting the information required under 1281
division (A) of this section. The standard forms that the 1282
superintendent prepares pursuant to this division may be in a 1283

tangible format, in an electronic format, or in both tangible 1284
formats and electronic formats. 1285

(C)(1) The superintendent may operate a center for 1286
electronic, automated, or other data processing for the storage 1287
and retrieval of information, data, and statistics pertaining to 1288
criminals and to children under eighteen years of age who are 1289
adjudicated delinquent children for committing an act that would 1290
be a felony or an offense of violence if committed by an adult, 1291
criminal activity, crime prevention, law enforcement, and criminal 1292
justice, and may establish and operate a statewide communications 1293
network to be known as the Ohio law enforcement gateway to gather 1294
and disseminate information, data, and statistics for the use of 1295
law enforcement agencies and for other uses specified in this 1296
division. The superintendent may gather, store, retrieve, and 1297
disseminate information, data, and statistics that pertain to 1298
children who are under eighteen years of age and that are gathered 1299
pursuant to sections 109.57 to 109.61 of the Revised Code together 1300
with information, data, and statistics that pertain to adults and 1301
that are gathered pursuant to those sections. 1302

(2) The superintendent or the superintendent's designee shall 1303
gather information of the nature described in division (C)(1) of 1304
this section that pertains to the offense and delinquency history 1305
of a person who has been convicted of, pleaded guilty to, or been 1306
adjudicated a delinquent child for committing a sexually oriented 1307
offense or a child-victim oriented offense for inclusion in the 1308
state registry of sex offenders and child-victim offenders 1309
maintained pursuant to division (A)(1) of section 2950.13 of the 1310
Revised Code and in the internet database operated pursuant to 1311
division (A)(13) of that section and for possible inclusion in the 1312
internet database operated pursuant to division (A)(11) of that 1313
section. 1314

(3) In addition to any other authorized use of information, 1315

data, and statistics of the nature described in division (C)(1) of 1316
this section, the superintendent or the superintendent's designee 1317
may provide and exchange the information, data, and statistics 1318
pursuant to the national crime prevention and privacy compact as 1319
described in division (A)(5) of this section. 1320

(4) The Ohio law enforcement gateway shall contain the name, 1321
confidential address, and telephone number of program participants 1322
in the address confidentiality program established under sections 1323
111.41 to 111.47 of the Revised Code. 1324

(5) The attorney general may adopt rules under Chapter 119. 1325
of the Revised Code establishing guidelines for the operation of 1326
and participation in the Ohio law enforcement gateway. The rules 1327
may include criteria for granting and restricting access to 1328
information gathered and disseminated through the Ohio law 1329
enforcement gateway. The attorney general shall adopt rules under 1330
Chapter 119. of the Revised Code that grant access to information 1331
in the gateway regarding an address confidentiality program 1332
participant under sections 111.41 to 111.47 of the Revised Code to 1333
only chiefs of police, village marshals, county sheriffs, county 1334
prosecuting attorneys, and a designee of each of these 1335
individuals. The attorney general shall permit the state medical 1336
board and board of nursing to access and view, but not alter, 1337
information gathered and disseminated through the Ohio law 1338
enforcement gateway. 1339

The attorney general may appoint a steering committee to 1340
advise the attorney general in the operation of the Ohio law 1341
enforcement gateway that is comprised of persons who are 1342
representatives of the criminal justice agencies in this state 1343
that use the Ohio law enforcement gateway and is chaired by the 1344
superintendent or the superintendent's designee. 1345

(D)(1) The following are not public records under section 1346
149.43 of the Revised Code: 1347

(a) Information and materials furnished to the superintendent 1348
pursuant to division (A) of this section; 1349

(b) Information, data, and statistics gathered or 1350
disseminated through the Ohio law enforcement gateway pursuant to 1351
division (C)(1) of this section; 1352

(c) Information and materials furnished to any board or 1353
person under division (F) or (G) of this section. 1354

(2) The superintendent or the superintendent's designee shall 1355
gather and retain information so furnished under division (A) of 1356
this section that pertains to the offense and delinquency history 1357
of a person who has been convicted of, pleaded guilty to, or been 1358
adjudicated a delinquent child for committing a sexually oriented 1359
offense or a child-victim oriented offense for the purposes 1360
described in division (C)(2) of this section. 1361

(E)(1) The attorney general shall adopt rules, in accordance 1362
with Chapter 119. of the Revised Code and subject to division 1363
(E)(2) of this section, setting forth the procedure by which a 1364
person may receive or release information gathered by the 1365
superintendent pursuant to division (A) of this section. A 1366
reasonable fee may be charged for this service. If a temporary 1367
employment service submits a request for a determination of 1368
whether a person the service plans to refer to an employment 1369
position has been convicted of or pleaded guilty to an offense 1370
listed or described in division (A)(1), (2), or (3) of section 1371
109.572 of the Revised Code, the request shall be treated as a 1372
single request and only one fee shall be charged. 1373

(2) Except as otherwise provided in this division or division 1374
(E)(3) or (4) of this section, a rule adopted under division 1375
(E)(1) of this section may provide only for the release of 1376
information gathered pursuant to division (A) of this section that 1377
relates to the conviction of a person, or a person's plea of 1378

guilty to, a criminal offense or to the arrest of a person as 1379
provided in division (E)(3) of this section. The superintendent 1380
shall not release, and the attorney general shall not adopt any 1381
rule under division (E)(1) of this section that permits the 1382
release of, any information gathered pursuant to division (A) of 1383
this section that relates to an adjudication of a child as a 1384
delinquent child, or that relates to a criminal conviction of a 1385
person under eighteen years of age if the person's case was 1386
transferred back to a juvenile court under division (B)(2) or (3) 1387
of section 2152.121 of the Revised Code and the juvenile court 1388
imposed a disposition or serious youthful offender disposition 1389
upon the person under either division, unless either of the 1390
following applies with respect to the adjudication or conviction: 1391

(a) The adjudication or conviction was for a violation of 1392
section 2903.01 or 2903.02 of the Revised Code. 1393

(b) The adjudication or conviction was for a sexually 1394
oriented offense, the juvenile court was required to classify the 1395
child a juvenile offender registrant for that offense under 1396
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 1397
classification has not been removed, and the records of the 1398
adjudication or conviction have not been sealed or expunged 1399
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 1400
section 2952.32 of the Revised Code. 1401

(3) A rule adopted under division (E)(1) of this section may 1402
provide for the release of information gathered pursuant to 1403
division (A) of this section that relates to the arrest of a 1404
person who is eighteen years of age or older when the person has 1405
not been convicted as a result of that arrest if any of the 1406
following applies: 1407

(a) The arrest was made outside of this state. 1408

(b) A criminal action resulting from the arrest is pending, 1409

and the superintendent confirms that the criminal action has not 1410
been resolved at the time the criminal records check is performed. 1411

(c) The bureau cannot reasonably determine whether a criminal 1412
action resulting from the arrest is pending, and not more than one 1413
year has elapsed since the date of the arrest. 1414

(4) A rule adopted under division (E)(1) of this section may 1415
provide for the release of information gathered pursuant to 1416
division (A) of this section that relates to an adjudication of a 1417
child as a delinquent child if not more than five years have 1418
elapsed since the date of the adjudication, the adjudication was 1419
for an act that would have been a felony if committed by an adult, 1420
the records of the adjudication have not been sealed or expunged 1421
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 1422
the request for information is made under division (F) of this 1423
section or under section 109.572 of the Revised Code. In the case 1424
of an adjudication for a violation of the terms of community 1425
control or supervised release, the five-year period shall be 1426
calculated from the date of the adjudication to which the 1427
community control or supervised release pertains. 1428

(F)(1) As used in division (F)(2) of this section, "head 1429
start agency" means an entity in this state that has been approved 1430
to be an agency for purposes of subchapter II of the "Community 1431
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1432
as amended. 1433

(2)(a) In addition to or in conjunction with any request that 1434
is required to be made under section 109.572, 2151.86, 3301.32, 1435
3301.541, division (C) of section 3310.58, or section 3319.39, 1436
3319.391, 3327.10, ~~3701.881~~ 3740.11, 5104.013, 5123.081, or 1437
5153.111 of the Revised Code or that is made under section 1438
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1439
board of education of any school district; the director of 1440
developmental disabilities; any county board of developmental 1441

disabilities; any provider or subcontractor as defined in section 1442
5123.081 of the Revised Code; the chief administrator of any 1443
chartered nonpublic school; the chief administrator of a 1444
registered private provider that is not also a chartered nonpublic 1445
school; the chief administrator of any home health agency; the 1446
chief administrator of or person operating any child day-care 1447
center, type A family day-care home, or type B family day-care 1448
home licensed under Chapter 5104. of the Revised Code; the chief 1449
administrator of any head start agency; the executive director of 1450
a public children services agency; a private company described in 1451
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 1452
Code; or an employer described in division (J)(2) of section 1453
3327.10 of the Revised Code may request that the superintendent of 1454
the bureau investigate and determine, with respect to any 1455
individual who has applied for employment in any position after 1456
October 2, 1989, or any individual wishing to apply for employment 1457
with a board of education may request, with regard to the 1458
individual, whether the bureau has any information gathered under 1459
division (A) of this section that pertains to that individual. On 1460
receipt of the request, subject to division (E)(2) of this 1461
section, the superintendent shall determine whether that 1462
information exists and, upon request of the person, board, or 1463
entity requesting information, also shall request from the federal 1464
bureau of investigation any criminal records it has pertaining to 1465
that individual. The superintendent or the superintendent's 1466
designee also may request criminal history records from other 1467
states or the federal government pursuant to the national crime 1468
prevention and privacy compact set forth in section 109.571 of the 1469
Revised Code. Within thirty days of the date that the 1470
superintendent receives a request, subject to division (E)(2) of 1471
this section, the superintendent shall send to the board, entity, 1472
or person a report of any information that the superintendent 1473
determines exists, including information contained in records that 1474

have been sealed under section 2953.32 of the Revised Code, and, 1475
within thirty days of its receipt, subject to division (E)(2) of 1476
this section, shall send the board, entity, or person a report of 1477
any information received from the federal bureau of investigation, 1478
other than information the dissemination of which is prohibited by 1479
federal law. 1480

(b) When a board of education or a registered private 1481
provider is required to receive information under this section as 1482
a prerequisite to employment of an individual pursuant to division 1483
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1484
may accept a certified copy of records that were issued by the 1485
bureau of criminal identification and investigation and that are 1486
presented by an individual applying for employment with the 1487
district in lieu of requesting that information itself. In such a 1488
case, the board shall accept the certified copy issued by the 1489
bureau in order to make a photocopy of it for that individual's 1490
employment application documents and shall return the certified 1491
copy to the individual. In a case of that nature, a district or 1492
provider only shall accept a certified copy of records of that 1493
nature within one year after the date of their issuance by the 1494
bureau. 1495

(c) Notwithstanding division (F)(2)(a) of this section, in 1496
the case of a request under section 3319.39, 3319.391, or 3327.10 1497
of the Revised Code only for criminal records maintained by the 1498
federal bureau of investigation, the superintendent shall not 1499
determine whether any information gathered under division (A) of 1500
this section exists on the person for whom the request is made. 1501

(3) The state board of education may request, with respect to 1502
any individual who has applied for employment after October 2, 1503
1989, in any position with the state board or the department of 1504
education, any information that a school district board of 1505
education is authorized to request under division (F)(2) of this 1506

section, and the superintendent of the bureau shall proceed as if 1507
the request has been received from a school district board of 1508
education under division (F)(2) of this section. 1509

(4) When the superintendent of the bureau receives a request 1510
for information under section 3319.291 of the Revised Code, the 1511
superintendent shall proceed as if the request has been received 1512
from a school district board of education and shall comply with 1513
divisions (F)(2)(a) and (c) of this section. 1514

(G) In addition to or in conjunction with any request that is 1515
required to be made under section ~~3701.881~~, 3712.09, ~~or~~ 3721.121, 1516
or 3740.11 of the Revised Code with respect to an individual who 1517
has applied for employment in a position that involves providing 1518
direct care to an older adult or adult resident, the chief 1519
administrator of a home health agency, hospice care program, home 1520
licensed under Chapter 3721. of the Revised Code, or adult 1521
day-care program operated pursuant to rules adopted under section 1522
3721.04 of the Revised Code may request that the superintendent of 1523
the bureau investigate and determine, with respect to any 1524
individual who has applied after January 27, 1997, for employment 1525
in a position that does not involve providing direct care to an 1526
older adult or adult resident, whether the bureau has any 1527
information gathered under division (A) of this section that 1528
pertains to that individual. 1529

In addition to or in conjunction with any request that is 1530
required to be made under section 173.27 of the Revised Code with 1531
respect to an individual who has applied for employment in a 1532
position that involves providing ombudsman services to residents 1533
of long-term care facilities or recipients of community-based 1534
long-term care services, the state long-term care ombudsman, the 1535
director of aging, a regional long-term care ombudsman program, or 1536
the designee of the ombudsman, director, or program may request 1537
that the superintendent investigate and determine, with respect to 1538

any individual who has applied for employment in a position that 1539
does not involve providing such ombudsman services, whether the 1540
bureau has any information gathered under division (A) of this 1541
section that pertains to that applicant. 1542

In addition to or in conjunction with any request that is 1543
required to be made under section 173.38 of the Revised Code with 1544
respect to an individual who has applied for employment in a 1545
direct-care position, the chief administrator of a provider, as 1546
defined in section 173.39 of the Revised Code, may request that 1547
the superintendent investigate and determine, with respect to any 1548
individual who has applied for employment in a position that is 1549
not a direct-care position, whether the bureau has any information 1550
gathered under division (A) of this section that pertains to that 1551
applicant. 1552

In addition to or in conjunction with any request that is 1553
required to be made under section 3712.09 of the Revised Code with 1554
respect to an individual who has applied for employment in a 1555
position that involves providing direct care to a pediatric 1556
respite care patient, the chief administrator of a pediatric 1557
respite care program may request that the superintendent of the 1558
bureau investigate and determine, with respect to any individual 1559
who has applied for employment in a position that does not involve 1560
providing direct care to a pediatric respite care patient, whether 1561
the bureau has any information gathered under division (A) of this 1562
section that pertains to that individual. 1563

On receipt of a request under this division, the 1564
superintendent shall determine whether that information exists 1565
and, on request of the individual requesting information, shall 1566
also request from the federal bureau of investigation any criminal 1567
records it has pertaining to the applicant. The superintendent or 1568
the superintendent's designee also may request criminal history 1569
records from other states or the federal government pursuant to 1570

the national crime prevention and privacy compact set forth in 1571
section 109.571 of the Revised Code. Within thirty days of the 1572
date a request is received, subject to division (E)(2) of this 1573
section, the superintendent shall send to the requester a report 1574
of any information determined to exist, including information 1575
contained in records that have been sealed under section 2953.32 1576
of the Revised Code, and, within thirty days of its receipt, shall 1577
send the requester a report of any information received from the 1578
federal bureau of investigation, other than information the 1579
dissemination of which is prohibited by federal law. 1580

(H) Information obtained by a government entity or person 1581
under this section is confidential and shall not be released or 1582
disseminated. 1583

(I) The superintendent may charge a reasonable fee for 1584
providing information or criminal records under division (F)(2) or 1585
(G) of this section. 1586

(J) As used in this section: 1587

(1) "Pediatric respite care program" and "pediatric care 1588
patient" have the same meanings as in section 3712.01 of the 1589
Revised Code. 1590

(2) "Sexually oriented offense" and "child-victim oriented 1591
offense" have the same meanings as in section 2950.01 of the 1592
Revised Code. 1593

(3) "Registered private provider" means a nonpublic school or 1594
entity registered with the superintendent of public instruction 1595
under section 3310.41 of the Revised Code to participate in the 1596
autism scholarship program or section 3310.58 of the Revised Code 1597
to participate in the Jon Peterson special needs scholarship 1598
program. 1599

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 1600

section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1601
a completed form prescribed pursuant to division (C)(1) of this 1602
section, and a set of fingerprint impressions obtained in the 1603
manner described in division (C)(2) of this section, the 1604
superintendent of the bureau of criminal identification and 1605
investigation shall conduct a criminal records check in the manner 1606
described in division (B) of this section to determine whether any 1607
information exists that indicates that the person who is the 1608
subject of the request previously has been convicted of or pleaded 1609
guilty to any of the following: 1610

(a) A violation of section 2903.01, 2903.02, 2903.03, 1611
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 1612
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 1613
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 1614
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 1615
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1616
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1617
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 1618
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 1619
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 1620
Revised Code, felonious sexual penetration in violation of former 1621
section 2907.12 of the Revised Code, a violation of section 1622
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1623
violation of section 2919.23 of the Revised Code that would have 1624
been a violation of section 2905.04 of the Revised Code as it 1625
existed prior to July 1, 1996, had the violation been committed 1626
prior to that date, or a violation of section 2925.11 of the 1627
Revised Code that is not a minor drug possession offense; 1628

(b) A violation of an existing or former law of this state, 1629
any other state, or the United States that is substantially 1630
equivalent to any of the offenses listed in division (A)(1)(a) of 1631
this section; 1632

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

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

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

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

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

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

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

2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 1698
2925.14, 2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 1699
2925.56, 2927.12, or 3716.11 of the Revised Code; 1700

(b) Felonious sexual penetration in violation of former 1701
section 2907.12 of the Revised Code; 1702

(c) A violation of section 2905.04 of the Revised Code as it 1703
existed prior to July 1, 1996; 1704

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1705
the Revised Code when the underlying offense that is the object of 1706
the conspiracy, attempt, or complicity is one of the offenses 1707
listed in divisions (A)(3)(a) to (c) of this section; 1708

(e) A violation of an existing or former municipal ordinance 1709
or law of this state, any other state, or the United States that 1710
is substantially equivalent to any of the offenses listed in 1711
divisions (A)(3)(a) to (d) of this section. 1712

(4) On receipt of a request pursuant to section 2151.86 or 1713
2151.904 of the Revised Code, a completed form prescribed pursuant 1714
to division (C)(1) of this section, and a set of fingerprint 1715
impressions obtained in the manner described in division (C)(2) of 1716
this section, the superintendent of the bureau of criminal 1717
identification and investigation shall conduct a criminal records 1718
check in the manner described in division (B) of this section to 1719
determine whether any information exists that indicates that the 1720
person who is the subject of the request previously has been 1721
convicted of or pleaded guilty to any of the following: 1722

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1723
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 1724
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 1725
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 1726
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 1727
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 1728

2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 1729
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 1730
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 1731
of the Revised Code, a violation of section 2905.04 of the Revised 1732
Code as it existed prior to July 1, 1996, a violation of section 1733
2919.23 of the Revised Code that would have been a violation of 1734
section 2905.04 of the Revised Code as it existed prior to July 1, 1735
1996, had the violation been committed prior to that date, a 1736
violation of section 2925.11 of the Revised Code that is not a 1737
minor drug possession offense, two or more OVI or OVUAC violations 1738
committed within the three years immediately preceding the 1739
submission of the application or petition that is the basis of the 1740
request, or felonious sexual penetration in violation of former 1741
section 2907.12 of the Revised Code; 1742

(b) A violation of an existing or former law of this state, 1743
any other state, or the United States that is substantially 1744
equivalent to any of the offenses listed in division (A)(4)(a) of 1745
this section. 1746

(5) Upon receipt of a request pursuant to section 5104.013 of 1747
the Revised Code, a completed form prescribed pursuant to division 1748
(C)(1) of this section, and a set of fingerprint impressions 1749
obtained in the manner described in division (C)(2) of this 1750
section, the superintendent of the bureau of criminal 1751
identification and investigation shall conduct a criminal records 1752
check in the manner described in division (B) of this section to 1753
determine whether any information exists that indicates that the 1754
person who is the subject of the request has been convicted of or 1755
pleaded guilty to any of the following: 1756

(a) A violation of section 2151.421, 2903.01, 2903.02, 1757
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1758
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1759
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1760

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1761
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 1762
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 1763
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 1764
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 1765
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1766
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 1767
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 1768
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 1769
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 1770
Revised Code, felonious sexual penetration in violation of former 1771
section 2907.12 of the Revised Code, a violation of section 1772
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 1773
violation of section 2919.23 of the Revised Code that would have 1774
been a violation of section 2905.04 of the Revised Code as it 1775
existed prior to July 1, 1996, had the violation been committed 1776
prior to that date, a violation of section 2925.11 of the Revised 1777
Code that is not a minor drug possession offense, a violation of 1778
section 2923.02 or 2923.03 of the Revised Code that relates to a 1779
crime specified in this division, or a second violation of section 1780
4511.19 of the Revised Code within five years of the date of 1781
application for licensure or certification. 1782

(b) A violation of an existing or former law of this state, 1783
any other state, or the United States that is substantially 1784
equivalent to any of the offenses or violations described in 1785
division (A)(5)(a) of this section. 1786

(6) Upon receipt of a request pursuant to section 5153.111 of 1787
the Revised Code, a completed form prescribed pursuant to division 1788
(C)(1) of this section, and a set of fingerprint impressions 1789
obtained in the manner described in division (C)(2) of this 1790
section, the superintendent of the bureau of criminal 1791
identification and investigation shall conduct a criminal records 1792

check in the manner described in division (B) of this section to 1793
determine whether any information exists that indicates that the 1794
person who is the subject of the request previously has been 1795
convicted of or pleaded guilty to any of the following: 1796

(a) A violation of section 2903.01, 2903.02, 2903.03, 1797
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1798
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1799
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1800
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1801
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1802
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1803
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 1804
felonious sexual penetration in violation of former section 1805
2907.12 of the Revised Code, a violation of section 2905.04 of the 1806
Revised Code as it existed prior to July 1, 1996, a violation of 1807
section 2919.23 of the Revised Code that would have been a 1808
violation of section 2905.04 of the Revised Code as it existed 1809
prior to July 1, 1996, had the violation been committed prior to 1810
that date, or a violation of section 2925.11 of the Revised Code 1811
that is not a minor drug possession offense; 1812

(b) A violation of an existing or former law of this state, 1813
any other state, or the United States that is substantially 1814
equivalent to any of the offenses listed in division (A)(6)(a) of 1815
this section. 1816

(7) On receipt of a request for a criminal records check from 1817
an individual pursuant to section 4749.03 or 4749.06 of the 1818
Revised Code, accompanied by a completed copy of the form 1819
prescribed in division (C)(1) of this section and a set of 1820
fingerprint impressions obtained in a manner described in division 1821
(C)(2) of this section, the superintendent of the bureau of 1822
criminal identification and investigation shall conduct a criminal 1823
records check in the manner described in division (B) of this 1824

section to determine whether any information exists indicating 1825
that the person who is the subject of the request has been 1826
convicted of or pleaded guilty to any criminal offense in this 1827
state or in any other state. If the individual indicates that a 1828
firearm will be carried in the course of business, the 1829
superintendent shall require information from the federal bureau 1830
of investigation as described in division (B)(2) of this section. 1831
Subject to division (F) of this section, the superintendent shall 1832
report the findings of the criminal records check and any 1833
information the federal bureau of investigation provides to the 1834
director of public safety. 1835

(8) On receipt of a request pursuant to section 1321.37, 1836
1321.53, or 4763.05 of the Revised Code, a completed form 1837
prescribed pursuant to division (C)(1) of this section, and a set 1838
of fingerprint impressions obtained in the manner described in 1839
division (C)(2) of this section, the superintendent of the bureau 1840
of criminal identification and investigation shall conduct a 1841
criminal records check with respect to any person who has applied 1842
for a license, permit, or certification from the department of 1843
commerce or a division in the department. The superintendent shall 1844
conduct the criminal records check in the manner described in 1845
division (B) of this section to determine whether any information 1846
exists that indicates that the person who is the subject of the 1847
request previously has been convicted of or pleaded guilty to any 1848
criminal offense in this state, any other state, or the United 1849
States. 1850

(9) On receipt of a request for a criminal records check from 1851
the treasurer of state under section 113.041 of the Revised Code 1852
or from an individual under section 928.03, 4701.08, 4715.101, 1853
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 1854
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 1855
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 1856

4747.051, 4751.20, 4751.201, 4751.202, 4751.21, 4753.061, 4755.70, 1857
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 1858
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, 1859
or 4783.04 of the Revised Code, accompanied by a completed form 1860
prescribed under division (C)(1) of this section and a set of 1861
fingerprint impressions obtained in the manner described in 1862
division (C)(2) of this section, the superintendent of the bureau 1863
of criminal identification and investigation shall conduct a 1864
criminal records check in the manner described in division (B) of 1865
this section to determine whether any information exists that 1866
indicates that the person who is the subject of the request has 1867
been convicted of or pleaded guilty to any criminal offense in 1868
this state or any other state. Subject to division (F) of this 1869
section, the superintendent shall send the results of a check 1870
requested under section 113.041 of the Revised Code to the 1871
treasurer of state and shall send the results of a check requested 1872
under any of the other listed sections to the licensing board 1873
specified by the individual in the request. 1874

(10) On receipt of a request pursuant to section 124.74, 1875
718.131, 1121.23, 1315.141, 1733.47, 1761.26, or 5123.169 of the 1876
Revised Code, a completed form prescribed pursuant to division 1877
(C)(1) of this section, and a set of fingerprint impressions 1878
obtained in the manner described in division (C)(2) of this 1879
section, the superintendent of the bureau of criminal 1880
identification and investigation shall conduct a criminal records 1881
check in the manner described in division (B) of this section to 1882
determine whether any information exists that indicates that the 1883
person who is the subject of the request previously has been 1884
convicted of or pleaded guilty to any criminal offense under any 1885
existing or former law of this state, any other state, or the 1886
United States. 1887

(11) On receipt of a request for a criminal records check 1888

from an appointing or licensing authority under section 3772.07 of 1889
the Revised Code, a completed form prescribed under division 1890
(C)(1) of this section, and a set of fingerprint impressions 1891
obtained in the manner prescribed in division (C)(2) of this 1892
section, the superintendent of the bureau of criminal 1893
identification and investigation shall conduct a criminal records 1894
check in the manner described in division (B) of this section to 1895
determine whether any information exists that indicates that the 1896
person who is the subject of the request previously has been 1897
convicted of or pleaded guilty or no contest to any offense under 1898
any existing or former law of this state, any other state, or the 1899
United States that is a disqualifying offense as defined in 1900
section 3772.07 of the Revised Code or substantially equivalent to 1901
such an offense. 1902

(12) On receipt of a request pursuant to section 2151.33 or 1903
2151.412 of the Revised Code, a completed form prescribed pursuant 1904
to division (C)(1) of this section, and a set of fingerprint 1905
impressions obtained in the manner described in division (C)(2) of 1906
this section, the superintendent of the bureau of criminal 1907
identification and investigation shall conduct a criminal records 1908
check with respect to any person for whom a criminal records check 1909
is required under that section. The superintendent shall conduct 1910
the criminal records check in the manner described in division (B) 1911
of this section to determine whether any information exists that 1912
indicates that the person who is the subject of the request 1913
previously has been convicted of or pleaded guilty to any of the 1914
following: 1915

(a) A violation of section 2903.01, 2903.02, 2903.03, 1916
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1917
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1918
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1919
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1920

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1921
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1922
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1923
2925.22, 2925.23, or 3716.11 of the Revised Code; 1924

(b) An existing or former law of this state, any other state, 1925
or the United States that is substantially equivalent to any of 1926
the offenses listed in division (A)(12)(a) of this section. 1927

(13) On receipt of a request pursuant to section 3796.12 of 1928
the Revised Code, a completed form prescribed pursuant to division 1929
(C)(1) of this section, and a set of fingerprint impressions 1930
obtained in a manner described in division (C)(2) of this section, 1931
the superintendent of the bureau of criminal identification and 1932
investigation shall conduct a criminal records check in the manner 1933
described in division (B) of this section to determine whether any 1934
information exists that indicates that the person who is the 1935
subject of the request previously has been convicted of or pleaded 1936
guilty to the following: 1937

(a) A disqualifying offense as specified in rules adopted 1938
under section 9.79 and division (B)(2)(b) of section 3796.03 of 1939
the Revised Code if the person who is the subject of the request 1940
is an administrator or other person responsible for the daily 1941
operation of, or an owner or prospective owner, officer or 1942
prospective officer, or board member or prospective board member 1943
of, an entity seeking a license from the department of commerce 1944
under Chapter 3796. of the Revised Code; 1945

(b) A disqualifying offense as specified in rules adopted 1946
under section 9.79 and division (B)(2)(b) of section 3796.04 of 1947
the Revised Code if the person who is the subject of the request 1948
is an administrator or other person responsible for the daily 1949
operation of, or an owner or prospective owner, officer or 1950
prospective officer, or board member or prospective board member 1951
of, an entity seeking a license from the state board of pharmacy 1952

under Chapter 3796. of the Revised Code. 1953

(14) On receipt of a request required by section 3796.13 of 1954
the Revised Code, a completed form prescribed pursuant to division 1955
(C)(1) of this section, and a set of fingerprint impressions 1956
obtained in a manner described in division (C)(2) of this section, 1957
the superintendent of the bureau of criminal identification and 1958
investigation shall conduct a criminal records check in the manner 1959
described in division (B) of this section to determine whether any 1960
information exists that indicates that the person who is the 1961
subject of the request previously has been convicted of or pleaded 1962
guilty to the following: 1963

(a) A disqualifying offense as specified in rules adopted 1964
under division (B)(8)(a) of section 3796.03 of the Revised Code if 1965
the person who is the subject of the request is seeking employment 1966
with an entity licensed by the department of commerce under 1967
Chapter 3796. of the Revised Code; 1968

(b) A disqualifying offense as specified in rules adopted 1969
under division (B)(14)(a) of section 3796.04 of the Revised Code 1970
if the person who is the subject of the request is seeking 1971
employment with an entity licensed by the state board of pharmacy 1972
under Chapter 3796. of the Revised Code. 1973

(15) On receipt of a request pursuant to section 4768.06 of 1974
the Revised Code, a completed form prescribed under division 1975
(C)(1) of this section, and a set of fingerprint impressions 1976
obtained in the manner described in division (C)(2) of this 1977
section, the superintendent of the bureau of criminal 1978
identification and investigation shall conduct a criminal records 1979
check in the manner described in division (B) of this section to 1980
determine whether any information exists indicating that the 1981
person who is the subject of the request has been convicted of or 1982
pleaded guilty to any criminal offense in this state or in any 1983
other state. 1984

(16) On receipt of a request pursuant to division (B) of 1985
section 4764.07 or division (A) of section 4735.143 of the Revised 1986
Code, a completed form prescribed under division (C)(1) of this 1987
section, and a set of fingerprint impressions obtained in the 1988
manner described in division (C)(2) of this section, the 1989
superintendent of the bureau of criminal identification and 1990
investigation shall conduct a criminal records check in the manner 1991
described in division (B) of this section to determine whether any 1992
information exists indicating that the person who is the subject 1993
of the request has been convicted of or pleaded guilty to any 1994
criminal offense in any state or the United States. 1995

(17) On receipt of a request for a criminal records check 1996
under section 147.022 of the Revised Code, a completed form 1997
prescribed under division (C)(1) of this section, and a set of 1998
fingerprint impressions obtained in the manner prescribed in 1999
division (C)(2) of this section, the superintendent of the bureau 2000
of criminal identification and investigation shall conduct a 2001
criminal records check in the manner described in division (B) of 2002
this section to determine whether any information exists that 2003
indicates that the person who is the subject of the request 2004
previously has been convicted of or pleaded guilty or no contest 2005
to any criminal offense under any existing or former law of this 2006
state, any other state, or the United States. 2007

(B) Subject to division (F) of this section, the 2008
superintendent shall conduct any criminal records check to be 2009
conducted under this section as follows: 2010

(1) The superintendent shall review or cause to be reviewed 2011
any relevant information gathered and compiled by the bureau under 2012
division (A) of section 109.57 of the Revised Code that relates to 2013
the person who is the subject of the criminal records check, 2014
including, if the criminal records check was requested under 2015
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 2016

928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 2017
2151.86, 3301.32, 3301.541, 3319.39, ~~3701.881~~ 3740.11, 3712.09, 2018
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 2019
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 2020
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 2021
the Revised Code, any relevant information contained in records 2022
that have been sealed under section 2953.32 of the Revised Code; 2023

(2) If the request received by the superintendent asks for 2024
information from the federal bureau of investigation, the 2025
superintendent shall request from the federal bureau of 2026
investigation any information it has with respect to the person 2027
who is the subject of the criminal records check, including 2028
fingerprint-based checks of national crime information databases 2029
as described in 42 U.S.C. 671 if the request is made pursuant to 2030
section 2151.86 or 5104.013 of the Revised Code or if any other 2031
Revised Code section requires fingerprint-based checks of that 2032
nature, and shall review or cause to be reviewed any information 2033
the superintendent receives from that bureau. If a request under 2034
section 3319.39 of the Revised Code asks only for information from 2035
the federal bureau of investigation, the superintendent shall not 2036
conduct the review prescribed by division (B)(1) of this section. 2037

(3) The superintendent or the superintendent's designee may 2038
request criminal history records from other states or the federal 2039
government pursuant to the national crime prevention and privacy 2040
compact set forth in section 109.571 of the Revised Code. 2041

(4) The superintendent shall include in the results of the 2042
criminal records check a list or description of the offenses 2043
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2044
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 2045
of this section, whichever division requires the superintendent to 2046
conduct the criminal records check. The superintendent shall 2047
exclude from the results any information the dissemination of 2048

which is prohibited by federal law. 2049

(5) The superintendent shall send the results of the criminal 2050
records check to the person to whom it is to be sent not later 2051
than the following number of days after the date the 2052
superintendent receives the request for the criminal records 2053
check, the completed form prescribed under division (C)(1) of this 2054
section, and the set of fingerprint impressions obtained in the 2055
manner described in division (C)(2) of this section: 2056

(a) If the superintendent is required by division (A) of this 2057
section (other than division (A)(3) of this section) to conduct 2058
the criminal records check, thirty; 2059

(b) If the superintendent is required by division (A)(3) of 2060
this section to conduct the criminal records check, sixty. 2061

(C)(1) The superintendent shall prescribe a form to obtain 2062
the information necessary to conduct a criminal records check from 2063
any person for whom a criminal records check is to be conducted 2064
under this section. The form that the superintendent prescribes 2065
pursuant to this division may be in a tangible format, in an 2066
electronic format, or in both tangible and electronic formats. 2067

(2) The superintendent shall prescribe standard impression 2068
sheets to obtain the fingerprint impressions of any person for 2069
whom a criminal records check is to be conducted under this 2070
section. Any person for whom a records check is to be conducted 2071
under this section shall obtain the fingerprint impressions at a 2072
county sheriff's office, municipal police department, or any other 2073
entity with the ability to make fingerprint impressions on the 2074
standard impression sheets prescribed by the superintendent. The 2075
office, department, or entity may charge the person a reasonable 2076
fee for making the impressions. The standard impression sheets the 2077
superintendent prescribes pursuant to this division may be in a 2078
tangible format, in an electronic format, or in both tangible and 2079

electronic formats. 2080

(3) Subject to division (D) of this section, the 2081
superintendent shall prescribe and charge a reasonable fee for 2082
providing a criminal records check under this section. The person 2083
requesting the criminal records check shall pay the fee prescribed 2084
pursuant to this division. In the case of a request under section 2085
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2086
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2087
the manner specified in that section. 2088

(4) The superintendent of the bureau of criminal 2089
identification and investigation may prescribe methods of 2090
forwarding fingerprint impressions and information necessary to 2091
conduct a criminal records check, which methods shall include, but 2092
not be limited to, an electronic method. 2093

(D) The results of a criminal records check conducted under 2094
this section, other than a criminal records check specified in 2095
division (A)(7) of this section, are valid for the person who is 2096
the subject of the criminal records check for a period of one year 2097
from the date upon which the superintendent completes the criminal 2098
records check. If during that period the superintendent receives 2099
another request for a criminal records check to be conducted under 2100
this section for that person, the superintendent shall provide the 2101
results from the previous criminal records check of the person at 2102
a lower fee than the fee prescribed for the initial criminal 2103
records check. 2104

(E) When the superintendent receives a request for 2105
information from a registered private provider, the superintendent 2106
shall proceed as if the request was received from a school 2107
district board of education under section 3319.39 of the Revised 2108
Code. The superintendent shall apply division (A)(1)(c) of this 2109
section to any such request for an applicant who is a teacher. 2110

(F)(1) Subject to division (F)(2) of this section, all 2111
information regarding the results of a criminal records check 2112
conducted under this section that the superintendent reports or 2113
sends under division (A)(7) or (9) of this section to the director 2114
of public safety, the treasurer of state, or the person, board, or 2115
entity that made the request for the criminal records check shall 2116
relate to the conviction of the subject person, or the subject 2117
person's plea of guilty to, a criminal offense. 2118

(2) Division (F)(1) of this section does not limit, restrict, 2119
or preclude the superintendent's release of information that 2120
relates to the arrest of a person who is eighteen years of age or 2121
older, to an adjudication of a child as a delinquent child, or to 2122
a criminal conviction of a person under eighteen years of age in 2123
circumstances in which a release of that nature is authorized 2124
under division (E)(2), (3), or (4) of section 109.57 of the 2125
Revised Code pursuant to a rule adopted under division (E)(1) of 2126
that section. 2127

(G) As used in this section: 2128

(1) "Criminal records check" means any criminal records check 2129
conducted by the superintendent of the bureau of criminal 2130
identification and investigation in accordance with division (B) 2131
of this section. 2132

(2) "Minor drug possession offense" has the same meaning as 2133
in section 2925.01 of the Revised Code. 2134

(3) "OVI or OVUAC violation" means a violation of section 2135
4511.19 of the Revised Code or a violation of an existing or 2136
former law of this state, any other state, or the United States 2137
that is substantially equivalent to section 4511.19 of the Revised 2138
Code. 2139

(4) "Registered private provider" means a nonpublic school or 2140
entity registered with the superintendent of public instruction 2141

under section 3310.41 of the Revised Code to participate in the 2142
autism scholarship program or section 3310.58 of the Revised Code 2143
to participate in the Jon Peterson special needs scholarship 2144
program. 2145

Sec. 109.79. (A) The Ohio peace officer training commission 2146
shall establish and conduct a training school for law enforcement 2147
officers of any political subdivision of the state or of the state 2148
public defender's office. The school shall be known as the Ohio 2149
peace officer training academy. No bailiff or deputy bailiff of a 2150
court of record of this state and no criminal investigator 2151
employed by the state public defender shall be permitted to attend 2152
the academy for training unless the employing court of the bailiff 2153
or deputy bailiff or the state public defender, whichever is 2154
applicable, has authorized the bailiff, deputy bailiff, or 2155
investigator to attend the academy. 2156

The Ohio peace officer training commission shall develop the 2157
training program, which shall include courses in both the civil 2158
and criminal functions of law enforcement officers, a course in 2159
crisis intervention with six or more hours of training, training 2160
in the handling of missing children and child abuse and neglect 2161
cases, and training on companion animal encounters and companion 2162
animal behavior, and shall establish rules governing 2163
qualifications for admission to the academy. The commission may 2164
require competitive examinations to determine fitness of 2165
prospective trainees, so long as the examinations or other 2166
criteria for admission to the academy are consistent with the 2167
provisions of Chapter 124. of the Revised Code. 2168

The Ohio peace officer training commission shall determine 2169
tuition costs sufficient in the aggregate to pay the costs of 2170
operating the academy. Tuition paid by a political subdivision of 2171
the state or by the state public defender's office shall be 2172

deposited into the state treasury to the credit of the peace 2173
officer training academy fee fund, which is hereby established. 2174
The attorney general shall use money in the fund to pay costs 2175
associated with operation of the academy. The costs of acquiring 2176
and equipping the academy shall be paid from appropriations made 2177
by the general assembly to the Ohio peace officer training 2178
commission for that purpose, from gifts or grants received for 2179
that purpose, or from fees for goods related to the academy. 2180

The Ohio peace officer training commission shall create a 2181
gaming-related curriculum for gaming agents. The Ohio peace 2182
officer training commission shall use money distributed to the 2183
Ohio peace officer training academy from the Ohio law enforcement 2184
training fund to first support the academy's training programs for 2185
gaming agents and gaming-related curriculum. The Ohio peace 2186
officer training commission may utilize existing training programs 2187
in other states that specialize in training gaming agents. 2188

The law enforcement officers, during the period of their 2189
training, shall receive compensation as determined by the 2190
political subdivision that sponsors them or, if the officer is a 2191
criminal investigator employed by the state public defender, as 2192
determined by the state public defender. The political subdivision 2193
may pay the tuition costs of the law enforcement officers they 2194
sponsor and the state public defender may pay the tuition costs of 2195
criminal investigators of that office who attend the academy. 2196

If trainee vacancies exist, the academy may train and issue 2197
certificates of satisfactory completion to peace officers who are 2198
employed by a campus police department pursuant to section 1713.50 2199
of the Revised Code, by a qualified nonprofit corporation police 2200
department pursuant to section 1702.80 of the Revised Code, or by 2201
a railroad company, who are amusement park police officers 2202
appointed and commissioned by a judge of the appropriate municipal 2203
court or county court pursuant to section 4973.17 of the Revised 2204

Code, or who are bank, savings and loan association, savings bank, 2205
credit union, or association of banks, savings and loan 2206
associations, savings banks, or credit unions, or hospital police 2207
officers appointed and commissioned by the secretary of state 2208
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 2209
provided that no such officer shall be trained at the academy 2210
unless the officer meets the qualifications established for 2211
admission to the academy and the qualified nonprofit corporation 2212
police department; bank, savings and loan association, savings 2213
bank, credit union, or association of banks, savings and loan 2214
associations, savings banks, or credit unions; railroad company; 2215
hospital; or amusement park or the private college or university 2216
that established the campus police department prepays the entire 2217
cost of the training. A qualified nonprofit corporation police 2218
department; bank, savings and loan association, savings bank, 2219
credit union, or association of banks, savings and loan 2220
associations, savings banks, or credit unions; railroad company; 2221
hospital; or amusement park or a private college or university 2222
that has established a campus police department is not entitled to 2223
reimbursement from the state for any amount paid for the cost of 2224
training the bank, savings and loan association, savings bank, 2225
credit union, or association of banks, savings and loan 2226
associations, savings banks, or credit unions peace officers; the 2227
railroad company's peace officers; or the peace officers of the 2228
qualified nonprofit corporation police department, campus police 2229
department, hospital, or amusement park. 2230

The academy shall permit investigators employed by the state 2231
medical board to take selected courses that the board determines 2232
are consistent with its responsibilities for initial and 2233
continuing training of investigators as required under sections 2234
4730.26 and 4731.05 of the Revised Code. The board shall pay the 2235
entire cost of training that investigators receive at the academy. 2236

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

(B) As used in this section:

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

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

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

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

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

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

(5) "Companion animal" has the same meaning as in section 2268
959.131 of the Revised Code. 2269

Sec. 111.16. Except as provided in section 1701.041 of the 2270
Revised Code, the secretary of state shall charge and collect, for 2271
the benefit of the state, the following fees: 2272

(A) For filing and recording articles of incorporation of a 2273
domestic corporation, including designation of agent: 2274

(1) Wherein the corporation shall not be authorized to issue 2275
any shares of capital stock, ninety-nine dollars; 2276

(2) Wherein the corporation shall be authorized to issue 2277
shares of capital stock, with or without par value: 2278

(a) Ten cents for each share authorized up to and including 2279
one thousand shares; 2280

(b) Five cents for each share authorized in excess of one 2281
thousand shares up to and including ten thousand shares; 2282

(c) Two cents for each share authorized in excess of ten 2283
thousand shares up to and including fifty thousand shares; 2284

(d) One cent for each share authorized in excess of fifty 2285
thousand shares up to and including one hundred thousand shares; 2286

(e) One-half cent for each share authorized in excess of one 2287
hundred thousand shares up to and including five hundred thousand 2288
shares; 2289

(f) One-quarter cent for each share authorized in excess of 2290
five hundred thousand shares; provided no fee shall be less than 2291
ninety-nine dollars or greater than one hundred thousand dollars. 2292

(B) For filing and recording a certificate of amendment to or 2293
amended articles of incorporation of a domestic corporation, or 2294
for filing and recording a certificate of reorganization, a 2295
certificate of dissolution, or an amendment to a foreign license 2296

application:	2297
(1) If the domestic corporation is not authorized to issue any shares of capital stock, fifty dollars;	2298 2299
(2) If the domestic corporation is authorized to issue shares of capital stock, fifty dollars, and in case of any increase in the number of shares authorized to be issued, a further sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued by the corporation; provided no fee under division (B)(2) of this section shall be greater than one hundred thousand dollars;	2300 2301 2302 2303 2304 2305 2306 2307
(3) If the foreign corporation is not authorized to issue any shares of capital stock, fifty dollars;	2308 2309
(4) If the foreign corporation is authorized to issue shares of capital stock, fifty dollars.	2310 2311
(C) For filing and recording articles of incorporation of a savings and loan association, ninety-nine dollars; and for filing and recording a certificate of amendment to or amended articles of incorporation of a savings and loan association, fifty dollars;	2312 2313 2314 2315
(D) For filing and recording a certificate of conversion, including a designation of agent, a certificate of merger, or a certificate of consolidation, ninety-nine dollars and, in the case of any new corporation resulting from a consolidation or any surviving corporation that has an increased number of shares authorized to be issued resulting from a merger, an additional sum computed in accordance with the schedule set forth in division (A)(2) of this section less a credit computed in the same manner for the number of shares previously authorized to be issued or represented in this state by each of the corporations for which a consolidation or merger is effected by the certificate;	2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326
(E) For filing and recording articles of incorporation of a	2327

credit union or the American credit union guaranty association, 2328
ninety-nine dollars, and for filing and recording a certificate of 2329
increase in capital stock or any other amendment of the articles 2330
of incorporation of a credit union or the association, fifty 2331
dollars; 2332

(F) For filing and recording articles of organization of a 2333
limited liability company, for filing and recording an application 2334
to become a registered foreign limited liability company, for 2335
filing and recording a registration application to become a 2336
domestic limited liability partnership, or for filing and 2337
recording an application to become a registered foreign limited 2338
liability partnership, ninety-nine dollars; 2339

(G) For filing and recording a certificate of limited 2340
partnership or an application for registration as a foreign 2341
limited partnership, or for filing an initial statement of 2342
partnership authority pursuant to section 1776.33 of the Revised 2343
Code, ninety-nine dollars; 2344

(H) For filing a copy of papers evidencing the incorporation 2345
of a municipal corporation or of annexation of territory by a 2346
municipal corporation, five dollars, to be paid by the municipal 2347
corporation, the petitioners therefor, or their agent; 2348

(I) For filing and recording any of the following: 2349

(1) A license to transact business in this state by a foreign 2350
corporation for profit pursuant to section 1703.04 of the Revised 2351
Code or a foreign nonprofit corporation pursuant to section 2352
1703.27 of the Revised Code, ninety-nine dollars; 2353

(2) A biennial report or biennial statement pursuant to 2354
section 1775.63, 1776.83, or 1785.06 of the Revised Code, 2355
twenty-five dollars; 2356

(3) Except as otherwise provided in this section or any other 2357
section of the Revised Code, any other certificate or paper that 2358

is required to be filed and recorded or is permitted to be filed 2359
and recorded by any provision of the Revised Code with the 2360
secretary of state, twenty-five dollars. 2361

(J) For filing any certificate or paper not required to be 2362
recorded, five dollars; 2363

(K)(1) For making copies of any certificate or other paper 2364
filed in the office of the secretary of state, a fee not to exceed 2365
one dollar per page, except as otherwise provided in the Revised 2366
Code, and for creating and affixing the seal of the office of the 2367
secretary of state to any good standing or other certificate, five 2368
dollars. For copies of certificates or papers required by state 2369
officers for official purpose, no charge shall be made. 2370

(2) For creating and affixing the seal of the office of the 2371
secretary of state to the certificates described in division (E) 2372
of section 1701.81, division (E) of section 1701.811, division (E) 2373
of section 1705.38, division (E) of section 1705.381, division (D) 2374
of section 1702.43, division (E) of section 1775.47, division (E) 2375
of section 1775.55, division (E) of section 1776.70, division (E) 2376
of section 1776.74, division (E) of section 1782.433, or division 2377
(E) of section 1782.4310 of the Revised Code, twenty-five dollars. 2378

(L) For a minister's license to solemnize marriages, ten 2379
dollars; 2380

(M) For examining documents to be filed at a later date for 2381
the purpose of advising as to the acceptability of the proposed 2382
filing, fifty dollars; 2383

(N) Fifty dollars for filing and recording any of the 2384
following: 2385

(1) A certificate of dissolution and accompanying documents, 2386
or a certificate of cancellation, under section 1701.86, 1702.47, 2387
1705.43, 1706.471, 1776.65, or 1782.10 of the Revised Code; 2388

(2) A notice of dissolution of a foreign licensed corporation	2389
or a certificate of surrender of license by a foreign licensed	2390
corporation under section 1703.17 of the Revised Code;	2391
(3) The withdrawal of registration of a foreign or domestic	2392
limited liability partnership under section 1775.61, 1775.64,	2393
1776.81, or 1776.86 of the Revised Code, or the certificate of	2394
cancellation of registration of a foreign limited liability	2395
company under section 1705.57 or 1706.514 of the Revised Code;	2396
(4) The filing of a statement of denial under section 1776.34	2397
of the Revised Code, a statement of dissociation under section	2398
1776.57 of the Revised Code, a statement of disclaimer of general	2399
partner status under Chapter 1782. of the Revised Code, or a	2400
cancellation of disclaimer of general partner status under Chapter	2401
1782. of the Revised Code.	2402
(O) For filing a statement of continued existence by a	2403
nonprofit corporation, twenty-five dollars;	2404
(P) For filing a restatement under section 1705.08, 1706.161,	2405
or 1782.09 of the Revised Code, an amendment to a certificate of	2406
cancellation under section 1782.10 of the Revised Code, an	2407
amendment under section 1705.08, 1706.161, or 1782.09 of the	2408
Revised Code, or a correction under section 1705.55, 1706.173,	2409
1706.511, 1706.513, 1775.61, 1775.64, 1776.12, or 1782.52 of the	2410
Revised Code, fifty dollars;	2411
(Q) For filing for reinstatement of an entity cancelled by	2412
operation of law, by the secretary of state, by order of the	2413
department of taxation, or by order of a court, twenty-five	2414
dollars;	2415
(R) For filing and recording any of the following:	2416
(1) A change of agent, resignation of agent, or change of	2417
agent's address under section 1701.07, 1702.06, 1703.041, 1703.27,	2418
1705.06, 1705.55, 1706.09, 1746.04, 1747.03, 1776.07, or 1782.04	2419

of the Revised Code, twenty-five dollars;	2420
(2) A multiple change of agent name or address,	2421
standardization of agent address, or resignation of agent under	2422
section 1701.07, 1702.06, 1703.041, 1703.27, 1705.06, 1705.55,	2423
1706.09, 1746.04, 1747.03, 1776.07, or 1782.04 of the Revised	2424
Code, one hundred twenty-five dollars, plus three dollars per	2425
entity record being changed, by the multiple agent update.	2426
(S) For filing and recording any of the following:	2427
(1) An application for the exclusive right to use a name or	2428
an application to reserve a name for future use under section	2429
1701.05, 1702.05, 1703.31, 1705.05, 1706.07, or 1746.06 of the	2430
Revised Code, thirty-nine dollars;	2431
(2) A trade name or fictitious name registration or report,	2432
thirty-nine dollars;	2433
(3) An application to renew any item covered by division	2434
(S)(1) or (2) of this section that is permitted to be renewed,	2435
twenty-five dollars;	2436
(4) An assignment of rights for use of a name covered by	2437
division (S)(1), (2), or (3) of this section, the cancellation of	2438
a name registration or name reservation that is so covered, or	2439
notice of a change of address of the registrant of a name that is	2440
so covered, twenty-five dollars.	2441
(T) For filing and recording a report to operate a business	2442
trust or a real estate investment trust, either foreign or	2443
domestic, ninety-nine dollars; and for filing and recording an	2444
amendment to a report or associated trust instrument, or a	2445
surrender of authority, to operate a business trust or real estate	2446
investment trust, fifty dollars;	2447
(U)(1) For filing and recording the registration of a	2448
trademark, service mark, or mark of ownership, one hundred	2449

twenty-five dollars; 2450

(2) For filing and recording the change of address of a 2451
registrant, the assignment of rights to a registration, a renewal 2452
of a registration, or the cancellation of a registration 2453
associated with a trademark, service mark, or mark of ownership, 2454
twenty-five dollars. 2455

(V) For filing a service of process with the secretary of 2456
state, five dollars per address to be served, except as otherwise 2457
provided in any section of the Revised Code; 2458

(W) For making, recording, and forwarding a commission under 2459
section 107.06 of the Revised Code, the applicable fee specified 2460
in that section. 2461

Fees specified in this section may be paid by cash, check, or 2462
money order, by credit card in accordance with section 113.40 of 2463
the Revised Code, or by an alternative payment program in 2464
accordance with division (B) of section 111.18 of the Revised 2465
Code. Any credit card number or the expiration date of any credit 2466
card is not subject to disclosure under Chapter 149. of the 2467
Revised Code. 2468

Sec. 111.28. (A) There is hereby created in the state 2469
treasury the help America vote act (HAVA) fund. All moneys 2470
received by the secretary of state from the United States election 2471
assistance commission for purposes established under the "Help 2472
America Vote Act of 2002," Pub. L. No. 107-252, as amended, shall 2473
be credited to the fund. The secretary of state shall use the 2474
moneys credited to the fund for activities conducted pursuant to 2475
~~the "Help America Vote Act of 2002," Pub. L. No. 107-252, 116~~ 2476
~~Stat. 1666~~ that act. All investment earnings of the fund shall be 2477
credited to the fund. 2478

(B) There is hereby created in the state treasury the 2479

miscellaneous federal grants fund. All Except as otherwise 2480
provided in division (A) of this section, all moneys the secretary 2481
of state receives as grants from federal sources ~~that are not~~ 2482
~~otherwise designated~~ shall be credited to the fund. The secretary 2483
of state shall use the moneys credited to the fund for the 2484
purposes and activities required by the applicable federal grant 2485
agreements. All investment earnings of the fund shall be credited 2486
to the fund. 2487

Sec. 111.48. There is in the state treasury the address 2488
confidentiality program fund. The fund shall consist of money paid 2489
into the fund pursuant to division ~~(B)(10)~~ (B)(11) of section 2490
2929.18 and division (D) of section 2929.28 of the Revised Code 2491
and any money appropriated to the fund by the general assembly or 2492
donated to the fund. The secretary of state shall use the money in 2493
the fund for the purpose of administering the address 2494
confidentiality program described in sections 111.41 to 111.47 of 2495
the Revised Code. 2496

Sec. 113.70. As used in sections 113.70 to 113.77 of the 2497
Revised Code: 2498

(A) "Expenditure" means a payment, distribution, loan, 2499
advance, reimbursement, deposit, or gift of money from a state 2500
entity to any supplier. 2501

(B) "Political subdivision" means a county, city, village, 2502
public library, township, park district, school district, regional 2503
water and sewer district, or regional transit authority. 2504

(C) "Public library" means a library that is created, 2505
maintained, and regulated under Chapter 3375. of the Revised Code. 2506

(D) "School district" means a city, local, exempted village, 2507
or joint vocational school district; a science, technology, 2508
engineering, and mathematics school established under Chapter 2509

3326. of the Revised Code; or an educational service center. 2510

"School district" does not mean a community school established 2511

under Chapter 3314. of the Revised Code. 2512

(E) "State entity" means the general assembly, the supreme 2513

court, the court of claims, the office of an elected state 2514

officer, or a department, bureau, board, office, commission, 2515

agency, institution, instrumentality, or other governmental entity 2516

of this state established by the constitution or laws of this 2517

state for the exercise of any function of state government, but 2518

excludes a political subdivision, an institution of higher 2519

education, a state retirement system, and the city of Cincinnati 2520

retirement system. "State entity" does not include the nonprofit 2521

corporation formed under section 187.01 of the Revised Code. 2522

(F) "State retirement system" means the public employees 2523

retirement system, the Ohio police and fire pension fund, the 2524

state teachers retirement system, the school employees retirement 2525

system, and the state highway patrol retirement system. 2526

(G) "Supplier" means any person, partnership, corporation, 2527

association, organization, state entity, or other party, including 2528

any executive officer, legislative officer, judicial officer, or 2529

member or employee of a state entity, that does either of the 2530

following: 2531

(1) Sells, leases, or otherwise provides equipment, 2532

materials, goods, supplies, or services to a state entity pursuant 2533

to a contract between the supplier and a state entity; 2534

(2) Receives reimbursement from a state entity for any 2535

expense. 2536

Sec. 113.71. (A) The treasurer of state, in collaboration 2537

with the directors of budget and management and administrative 2538

services, shall establish and maintain the Ohio state and local 2539

government expenditure database. The database shall be accessible 2540
on the web site of the treasurer of state and the web site of the 2541
office of budget and management. 2542

(B) The database shall include information about expenditures 2543
made in each fiscal year that commences after the effective date 2544
of this section. 2545

(C) The database shall be accessible by members of the public 2546
without charge. 2547

(D) State entities shall assist in the development, 2548
establishment, operation, storage, hosting, and support of the 2549
database. State entities shall comply with sections 113.70 to 2550
113.77 of the Revised Code using existing resources. 2551

(E) The treasurer of state shall enter into an annual 2552
agreement with the directors of budget and management and 2553
administrative services to define data storage, data handling, 2554
user interface requirements, and other provisions considered 2555
necessary to ensure the proper maintenance and operation of the 2556
database. 2557

(F) Nothing in this section shall be construed to prohibit 2558
the treasurer of state from including any information in the base 2559
that is not required to be included under sections 113.70 to 2560
113.77 of the Revised Code and that is available to the public. 2561

Sec. 113.72. For each expenditure, the Ohio state and local 2562
government expenditure database shall include the following 2563
information: 2564

(A) The amount of the expenditure; 2565

(B) The date the expenditure was paid; 2566

(C) The supplier to which the expenditure was paid; 2567

(D) The state entity that made the expenditure or requested 2568

<u>the expenditure be made.</u>	2569
<u>Sec. 113.73. (A) The Ohio state and local government</u>	2570
<u>expenditure database shall include the following features:</u>	2571
<u>(1) A searchable database of all expenditures;</u>	2572
<u>(2) The ability to filter expenditures by the following</u>	2573
<u>categories:</u>	2574
<u>(a) The category of expense;</u>	2575
<u>(b) The Ohio administrative knowledge system accounting code</u>	2576
<u>for a specific good or service.</u>	2577
<u>(3) The ability to search and filter by any of the factors</u>	2578
<u>listed in section 113.72 of the Revised Code;</u>	2579
<u>(4) The ability to aggregate data contained in the database;</u>	2580
<u>(5) The ability to determine the total amount of expenditures</u>	2581
<u>awarded to a supplier by a state entity;</u>	2582
<u>(6) The ability to download information obtained through the</u>	2583
<u>database;</u>	2584
<u>(7) A searchable database of state and school district</u>	2585
<u>employee salary and employment information.</u>	2586
<u>(B) The information required under division (A)(7) of this</u>	2587
<u>section shall be provided by the department of administrative</u>	2588
<u>services or the department of education, as applicable.</u>	2589
<u>Sec. 113.74. Not later than one year after the Ohio state and</u>	2590
<u>local government expenditure database is implemented, the</u>	2591
<u>treasurer of state shall coordinate with the director of budget</u>	2592
<u>and management to provide an opportunity for public comment as to</u>	2593
<u>the utility of the database.</u>	2594
<u>Sec. 113.75. The Ohio state and local government expenditure</u>	2595

database shall not include any information that is determined to 2596
be confidential or is not a public record under the laws of this 2597
state. All of the following are not liable for the disclosure of a 2598
record contained in the Ohio state and local government 2599
expenditure database that is determined to be confidential or is 2600
not a public record under the laws of this state: 2601

(A) The treasurer of state; 2602

(B) Employees of the treasurer of state; 2603

(C) A state entity; 2604

(D) Any employee of a state entity that provides information 2605
to the database. 2606

Sec. 113.76. Each state entity shall display on its web site 2607
a prominent internet link to the Ohio state and local government 2608
expenditure database. 2609

Sec. 113.77. A political subdivision or state retirement 2610
system may agree to have information on expenditures made by the 2611
political subdivision or state retirement system included in the 2612
Ohio state and local government expenditure database. If a 2613
political subdivision or state retirement system agrees to include 2614
the information in the database, the political subdivision or 2615
state retirement system shall provide the information to the 2616
treasurer of state and comply with sections 113.70 to 113.77 of 2617
the Revised Code in the same manner as a state entity. 2618

Sec. 117.55. (A) As used in this section: 2619

(1) "Entity" means, whether for profit or nonprofit, a 2620
corporation, association, partnership, limited liability company, 2621
sole proprietorship, or other business entity. "Entity" does not 2622
include an individual who receives state assistance that is not 2623

related to the individual's business. 2624

(2) "State award for economic development" means state 2625
financial assistance and expenditure in any of the following 2626
forms: grants, subgrants, loans, awards, cooperative agreements, 2627
or other similar and related forms of financial assistance and 2628
contracts, subcontracts, purchase orders, task orders, delivery 2629
orders, or other similar and related transactions. It does not 2630
include compensation received as an employee of the state or any 2631
state financial assistance and expenditure received from the 2632
general assembly or any legislative agency, any court or judicial 2633
agency, or from the offices of the attorney general, the secretary 2634
of state, the auditor of state, or the treasurer of state. 2635

(B) Not later than thirty days after the end of the state 2636
fiscal year, the department of development shall send the auditor 2637
of state a list of state awards for economic development. The 2638
auditor of state shall review each award and determine if an 2639
entity is in compliance with the terms and conditions, including 2640
performance metrics, of a state award for economic development 2641
received by that entity. 2642

(C) The auditor of state shall publish a report of its 2643
reviews and determinations not later than ninety days after 2644
receipt of the list of state awards from the department of 2645
development. 2646

(D) When the auditor of state finds that an entity that 2647
receives or has received a state award for economic development is 2648
not in compliance with a performance metric that is specified in 2649
the terms and conditions of the award, the auditor of state shall 2650
report the findings to the attorney general. The attorney general 2651
may pursue against and from that entity such remedies and 2652
recoveries as are available under law. 2653

(E) If the auditor of state is authorized to conduct an audit 2654

of an entity that receives or has received a state award for 2655
economic development, the audit shall be conducted in accordance 2656
with Chapter 117. of the Revised Code. 2657

Sec. 119.12. (A)(1) Except as provided in division (A)(2) or 2658
(3) of this section, any party adversely affected by any order of 2659
an agency issued pursuant to an adjudication denying an applicant 2660
admission to an examination, or denying the issuance or renewal of 2661
a license or registration of a licensee, or revoking or suspending 2662
a license, or allowing the payment of a forfeiture under section 2663
4301.252 of the Revised Code may appeal from the order of the 2664
agency to the court of common pleas of the county in which the 2665
place of business of the licensee is located or the county in 2666
which the licensee is a resident. 2667

(2) An appeal from an order described in division (A)(1) of 2668
this section issued by any of the following agencies shall be made 2669
to the court of common pleas of Franklin county: 2670

(a) The liquor control commission; 2671

(b) The Ohio casino control commission; 2672

(c) The state medical board; 2673

~~(e)~~(d) The state chiropractic board; 2674

~~(d)~~(e) The board of nursing; 2675

~~(e)~~(f) The bureau of workers' compensation regarding 2676
participation in the health partnership program created in 2677
sections 4121.44 and 4121.441 of the Revised Code; 2678

(g) The occupational therapy, physical therapy, and athletic 2679
trainers board. 2680

(3) If any party appealing from an order described in 2681
division (A)(1) of this section is not a resident of and has no 2682
place of business in this state, the party may appeal to the court 2683

of common pleas of Franklin county. 2684

(B) Any party adversely affected by any order of an agency 2685
issued pursuant to any other adjudication may appeal to the court 2686
of common pleas of Franklin county, except that appeals from 2687
orders of the fire marshal issued under Chapter 3737. of the 2688
Revised Code may be to the court of common pleas of the county in 2689
which the building of the aggrieved person is located and except 2690
that appeals under division (B) of section 124.34 of the Revised 2691
Code from a decision of the state personnel board of review or a 2692
municipal or civil service township civil service commission shall 2693
be taken to the court of common pleas of the county in which the 2694
appointing authority is located or, in the case of an appeal by 2695
the department of rehabilitation and correction, to the court of 2696
common pleas of Franklin county. 2697

(C) This section does not apply to appeals from the 2698
department of taxation. 2699

(D) Any party desiring to appeal shall file a notice of 2700
appeal with the agency setting forth the order appealed from and 2701
stating that the agency's order is not supported by reliable, 2702
probative, and substantial evidence and is not in accordance with 2703
law. The notice of appeal may, but need not, set forth the 2704
specific grounds of the party's appeal beyond the statement that 2705
the agency's order is not supported by reliable, probative, and 2706
substantial evidence and is not in accordance with law. The notice 2707
of appeal shall also be filed by the appellant with the court. In 2708
filing a notice of appeal with the agency or court, the notice 2709
that is filed may be either the original notice or a copy of the 2710
original notice. Unless otherwise provided by law relating to a 2711
particular agency, notices of appeal shall be filed within fifteen 2712
days after the mailing of the notice of the agency's order as 2713
provided in this section. For purposes of this paragraph, an order 2714
includes a determination appealed pursuant to division (C) of 2715

section 119.092 of the Revised Code. The amendments made to this 2716
paragraph by Sub. H.B. 215 of the 128th general assembly are 2717
procedural, and this paragraph as amended by those amendments 2718
shall be applied retrospectively to all appeals pursuant to this 2719
paragraph filed before September 13, 2010, but not earlier than 2720
May 7, 2009, which was the date the supreme court of Ohio released 2721
its opinion and judgment in *Medcorp, Inc. v. Ohio Dep't. of Job* 2722
and Family Servs. (2009), 121 Ohio St.3d 622. 2723

(E) The filing of a notice of appeal shall not automatically 2724
operate as a suspension of the order of an agency. If it appears 2725
to the court that an unusual hardship to the appellant will result 2726
from the execution of the agency's order pending determination of 2727
the appeal, the court may grant a suspension and fix its terms. If 2728
an appeal is taken from the judgment of the court and the court 2729
has previously granted a suspension of the agency's order as 2730
provided in this section, the suspension of the agency's order 2731
shall not be vacated and shall be given full force and effect 2732
until the matter is finally adjudicated. No renewal of a license 2733
or permit shall be denied by reason of the suspended order during 2734
the period of the appeal from the decision of the court of common 2735
pleas. In the case of an appeal from the Ohio casino control 2736
commission, the state medical board, or the state chiropractic 2737
board, the court may grant a suspension and fix its terms if it 2738
appears to the court that an unusual hardship to the appellant 2739
will result from the execution of the agency's order pending 2740
determination of the appeal and the health, safety, and welfare of 2741
the public will not be threatened by suspension of the order. This 2742
provision shall not be construed to limit the factors the court 2743
may consider in determining whether to suspend an order of any 2744
other agency pending determination of an appeal. 2745

(F) The final order of adjudication may apply to any renewal 2746
of a license or permit which has been granted during the period of 2747

the appeal. 2748

(G) Notwithstanding any other provision of this section, any 2749
order issued by a court of common pleas or a court of appeals 2750
suspending the effect of an order of the liquor control commission 2751
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 2752
suspends, revokes, or cancels a permit issued under Chapter 4303. 2753
of the Revised Code or that allows the payment of a forfeiture 2754
under section 4301.252 of the Revised Code shall terminate not 2755
more than six months after the date of the filing of the record of 2756
the liquor control commission with the clerk of the court of 2757
common pleas and shall not be extended. The court of common pleas, 2758
or the court of appeals on appeal, shall render a judgment in that 2759
matter within six months after the date of the filing of the 2760
record of the liquor control commission with the clerk of the 2761
court of common pleas. A court of appeals shall not issue an order 2762
suspending the effect of an order of the liquor control commission 2763
that extends beyond six months after the date on which the record 2764
of the liquor control commission is filed with a court of common 2765
pleas. 2766

(H) Notwithstanding any other provision of this section, any 2767
order issued by a court of common pleas or a court of appeals 2768
suspending the effect of an order of the Ohio casino control 2769
commission issued under Chapter 3772. of the Revised Code that 2770
limits, conditions, restricts, suspends, revokes, denies, not 2771
renews, fines, or otherwise penalizes an applicant, licensee, or 2772
person excluded or ejected from a casino facility in accordance 2773
with section 3772.031 of the Revised Code shall terminate not more 2774
than six months after the date of the filing of the record of the 2775
Ohio casino control commission with the clerk of the court of 2776
common pleas and shall not be extended. The court of common pleas, 2777
or the court of appeals on appeal, shall render a judgment in that 2778
matter within six months after the date of the filing of the 2779

record of the Ohio casino control commission with the clerk of the 2780
court of common pleas. A court of appeals shall not issue an order 2781
suspending the effect of an order of the Ohio casino control 2782
commission that extends beyond six months after the date on which 2783
the record of the Ohio casino control commission is filed with the 2784
clerk of a court of common pleas. 2785

(I) Notwithstanding any other provision of this section, any 2786
order issued by a court of common pleas suspending the effect of 2787
an order of the state medical board or state chiropractic board 2788
that limits, revokes, suspends, places on probation, or refuses to 2789
register or reinstate a certificate issued by the board or 2790
reprimands the holder of the certificate shall terminate not more 2791
than fifteen months after the date of the filing of a notice of 2792
appeal in the court of common pleas, or upon the rendering of a 2793
final decision or order in the appeal by the court of common 2794
pleas, whichever occurs first. 2795

~~(I)~~(J) Within thirty days after receipt of a notice of appeal 2796
from an order in any case in which a hearing is required by 2797
sections 119.01 to 119.13 of the Revised Code, the agency shall 2798
prepare and certify to the court a complete record of the 2799
proceedings in the case. Failure of the agency to comply within 2800
the time allowed, upon motion, shall cause the court to enter a 2801
finding in favor of the party adversely affected. Additional time, 2802
however, may be granted by the court, not to exceed thirty days, 2803
when it is shown that the agency has made substantial effort to 2804
comply. The record shall be prepared and transcribed, and the 2805
expense of it shall be taxed as a part of the costs on the appeal. 2806
The appellant shall provide security for costs satisfactory to the 2807
court of common pleas. Upon demand by any interested party, the 2808
agency shall furnish at the cost of the party requesting it a copy 2809
of the stenographic report of testimony offered and evidence 2810
submitted at any hearing and a copy of the complete record. 2811

~~(J)~~(K) Notwithstanding any other provision of this section, 2812
any party desiring to appeal an order or decision of the state 2813
personnel board of review shall, at the time of filing a notice of 2814
appeal with the board, provide a security deposit in an amount and 2815
manner prescribed in rules that the board shall adopt in 2816
accordance with this chapter. In addition, the board is not 2817
required to prepare or transcribe the record of any of its 2818
proceedings unless the appellant has provided the deposit 2819
described above. The failure of the board to prepare or transcribe 2820
a record for an appellant who has not provided a security deposit 2821
shall not cause a court to enter a finding adverse to the board. 2822

~~(K)~~(L) Unless otherwise provided by law, in the hearing of 2823
the appeal, the court is confined to the record as certified to it 2824
by the agency. Unless otherwise provided by law, the court may 2825
grant a request for the admission of additional evidence when 2826
satisfied that the additional evidence is newly discovered and 2827
could not with reasonable diligence have been ascertained prior to 2828
the hearing before the agency. 2829

~~(L)~~(M) The court shall conduct a hearing on the appeal and 2830
shall give preference to all proceedings under sections 119.01 to 2831
119.13 of the Revised Code, over all other civil cases, 2832
irrespective of the position of the proceedings on the calendar of 2833
the court. An appeal from an order of the state medical board 2834
issued pursuant to division (G) of either section 4730.25 or 2835
4731.22 of the Revised Code, the state chiropractic board issued 2836
pursuant to section 4734.37 of the Revised Code, the liquor 2837
control commission issued pursuant to Chapter 4301. or 4303. of 2838
the Revised Code, or the Ohio casino control commission issued 2839
pursuant to Chapter 3772. of the Revised Code shall be set down 2840
for hearing at the earliest possible time and takes precedence 2841
over all other actions. The hearing in the court of common pleas 2842
shall proceed as in the trial of a civil action, and the court 2843

shall determine the rights of the parties in accordance with the 2844
laws applicable to a civil action. At the hearing, counsel may be 2845
heard on oral argument, briefs may be submitted, and evidence may 2846
be introduced if the court has granted a request for the 2847
presentation of additional evidence. 2848

~~(M)~~(N) The court may affirm the order of the agency 2849
complained of in the appeal if it finds, upon consideration of the 2850
entire record and any additional evidence the court has admitted, 2851
that the order is supported by reliable, probative, and 2852
substantial evidence and is in accordance with law. In the absence 2853
of this finding, it may reverse, vacate, or modify the order or 2854
make such other ruling as is supported by reliable, probative, and 2855
substantial evidence and is in accordance with law. The court 2856
shall award compensation for fees in accordance with section 2857
2335.39 of the Revised Code to a prevailing party, other than an 2858
agency, in an appeal filed pursuant to this section. 2859

~~(N)~~(O) The judgment of the court shall be final and 2860
conclusive unless reversed, vacated, or modified on appeal. These 2861
appeals may be taken either by the party or the agency, shall 2862
proceed as in the case of appeals in civil actions, and shall be 2863
pursuant to the Rules of Appellate Procedure and, to the extent 2864
not in conflict with those rules, Chapter 2505. of the Revised 2865
Code. An appeal by the agency shall be taken on questions of law 2866
relating to the constitutionality, construction, or interpretation 2867
of statutes and rules of the agency, and, in the appeal, the court 2868
may also review and determine the correctness of the judgment of 2869
the court of common pleas that the order of the agency is not 2870
supported by any reliable, probative, and substantial evidence in 2871
the entire record. 2872

The court shall certify its judgment to the agency or take 2873
any other action necessary to give its judgment effect. 2874

Sec. 121.02. The following administrative departments and	2875
their respective directors are hereby created:	2876
(A) The office of budget and management, which shall be	2877
administered by the director of budget and management;	2878
(B) The department of commerce, which shall be administered	2879
by the director of commerce;	2880
(C) The department of administrative services, which shall be	2881
administered by the director of administrative services;	2882
(D) The department of transportation, which shall be	2883
administered by the director of transportation;	2884
(E) The department of agriculture, which shall be	2885
administered by the director of agriculture;	2886
(F) The department of natural resources, which shall be	2887
administered by the director of natural resources;	2888
(G) The department of health, which shall be administered by	2889
the director of health;	2890
(H) The department of job and family services, which shall be	2891
administered by the director of job and family services;	2892
(I) Until July 1, 1997, the department of liquor control,	2893
which shall be administered by the director of liquor control;	2894
(J) The department of public safety, which shall be	2895
administered by the director of public safety;	2896
(K) The department of mental health and addiction services,	2897
which shall be administered by the director of mental health and	2898
addiction services;	2899
(L) The department of developmental disabilities, which shall	2900
be administered by the director of developmental disabilities;	2901
(M) The department of insurance, which shall be administered	2902

by the superintendent of insurance as director thereof; 2903

(N) The department of development ~~services agency~~, which 2904
shall be administered by the director of development ~~services~~; 2905

(O) The department of youth services, which shall be 2906
administered by the director of youth services; 2907

(P) The department of rehabilitation and correction, which 2908
shall be administered by the director of rehabilitation and 2909
correction; 2910

(Q) The environmental protection agency, which shall be 2911
administered by the director of environmental protection; 2912

(R) The department of aging, which shall be administered by 2913
the director of aging; 2914

(S) The department of veterans services, which shall be 2915
administered by the director of veterans services; 2916

(T) The department of medicaid, which shall be administered 2917
by the medicaid director. 2918

The director of each department shall exercise the powers and 2919
perform the duties vested by law in such department. 2920

Sec. 121.03. The following administrative department heads 2921
shall be appointed by the governor, with the advice and consent of 2922
the senate, and shall hold their offices during the term of the 2923
appointing governor, and are subject to removal at the pleasure of 2924
the governor. 2925

(A) The director of budget and management; 2926

(B) The director of commerce; 2927

(C) The director of transportation; 2928

(D) The director of agriculture; 2929

(E) The director of job and family services; 2930

(F) Until July 1, 1997, the director of liquor control;	2931
(G) The director of public safety;	2932
(H) The superintendent of insurance;	2933
(I) The director of development services ;	2934
(J) The tax commissioner;	2935
(K) The director of administrative services;	2936
(L) The director of natural resources;	2937
(M) The director of mental health and addiction services;	2938
(N) The director of developmental disabilities;	2939
(O) The director of health;	2940
(P) The director of youth services;	2941
(Q) The director of rehabilitation and correction;	2942
(R) The director of environmental protection;	2943
(S) The director of aging;	2944
(T) The administrator of workers' compensation who meets the	2945
qualifications required under division (A) of section 4121.121 of	2946
the Revised Code;	2947
(U) The director of veterans services who meets the	2948
qualifications required under section 5902.01 of the Revised Code;	2949
(V) The chancellor of higher education;	2950
(W) The medicaid director.	2951
Sec. 121.07. (A) Except as otherwise provided in this	2952
division, the officers mentioned in sections 121.04 and 121.05 of	2953
the Revised Code and the offices and divisions they administer	2954
shall be under the direction, supervision, and control of the	2955
directors of their respective departments, and shall perform such	2956
duties as the directors prescribe. In performing or exercising any	2957

of the examination or regulatory functions, powers, or duties 2958
vested by Title XI, Chapters 1733. and 1761., and sections 1315.01 2959
to 1315.18 of the Revised Code in the superintendent of financial 2960
institutions, the superintendent of financial institutions and the 2961
division of financial institutions are independent of and are not 2962
subject to the control of the department or the director of 2963
commerce. In the absence of the superintendent of financial 2964
institutions, the director of commerce shall, for a limited period 2965
of time, perform or exercise any of those functions, powers, or 2966
duties or authorize the deputy superintendent for banks to perform 2967
or exercise any of the functions, ~~power~~ powers, or duties vested 2968
by Title XI and sections 1315.01 to 1315.18 of the Revised Code in 2969
the superintendent and the deputy superintendent for credit unions 2970
to perform or exercise any of the functions, powers, or duties 2971
vested by Chapters 1733. and 1761. of the Revised Code in the 2972
superintendent. 2973

(B) With the approval of the governor, the director of each 2974
department shall establish divisions within the department, and 2975
distribute the work of the department among such divisions. Each 2976
officer created by section 121.04 of the Revised Code shall be the 2977
head of such a division, except for the equal opportunity 2978
employment coordinator, who shall report to a position determined 2979
by the director of administrative services. 2980

With the approval of the governor, the director of each 2981
department may consolidate any two or more of the offices created 2982
in the department by section 121.04 of the Revised Code, or reduce 2983
the number of or create new divisions therein. 2984

The director of each department may prescribe rules for the 2985
government of the department, the conduct of its employees, the 2986
performance of its business, and the custody, use, and 2987
preservation of the records, papers, books, documents, and 2988
property pertaining thereto. 2989

Sec. 121.08. (A) There is hereby created in the department of 2990
commerce the position of deputy director of administration. This 2991
officer shall be appointed by the director of commerce, serve 2992
under the director's direction, supervision, and control, perform 2993
the duties the director prescribes, and hold office during the 2994
director's pleasure. The director of commerce may designate an 2995
assistant director of commerce to serve as the deputy director of 2996
administration. The deputy director of administration shall 2997
perform the duties prescribed by the director of commerce in 2998
supervising the activities of the division of administration of 2999
the department of commerce. 3000

(B) Except as provided in section 121.07 of the Revised Code, 3001
the department of commerce shall have all powers and perform all 3002
duties vested in the deputy director of administration, the state 3003
fire marshal, the superintendent of financial institutions, the 3004
superintendent of real estate and professional licensing, the 3005
superintendent of liquor control, the superintendent of industrial 3006
compliance, the superintendent of unclaimed funds, and the 3007
commissioner of securities, and shall have all powers and perform 3008
all duties vested by law in all officers, deputies, and employees 3009
of those offices. Except as provided in section 121.07 of the 3010
Revised Code, wherever powers are conferred or duties imposed upon 3011
any of those officers, the powers and duties shall be construed as 3012
vested in the department of commerce. 3013

(C)(1) There is hereby created in the department of commerce 3014
a division of financial institutions, which shall have all powers 3015
and perform all duties vested by law in the superintendent of 3016
financial institutions. Wherever powers are conferred or duties 3017
imposed upon the superintendent of financial institutions, those 3018
powers and duties shall be construed as vested in the division of 3019
financial institutions. The division of financial institutions 3020
shall be administered by the superintendent of financial 3021

institutions. 3022

(2) All provisions of law governing the superintendent of 3023
financial institutions shall apply to and govern the 3024
superintendent of financial institutions provided for in this 3025
section; all authority vested by law in the superintendent of 3026
financial institutions with respect to the management of the 3027
division of financial institutions shall be construed as vested in 3028
the superintendent of financial institutions created by this 3029
section with respect to the division of financial institutions 3030
provided for in this section; and all rights, privileges, and 3031
emoluments conferred by law upon the superintendent of financial 3032
institutions shall be construed as conferred upon the 3033
superintendent of financial institutions as head of the division 3034
of financial institutions. The director of commerce shall not 3035
transfer from the division of financial institutions any of the 3036
functions specified in division (C)(2) of this section. 3037

(D) There is hereby created in the department of commerce a 3038
division of liquor control, which shall have all powers and 3039
perform all duties vested by law in the superintendent of liquor 3040
control. Wherever powers are conferred or duties are imposed upon 3041
the superintendent of liquor control, those powers and duties 3042
shall be construed as vested in the division of liquor control. 3043
The division of liquor control shall be administered by the 3044
superintendent of liquor control. 3045

(E) The director of commerce shall not be interested, 3046
directly or indirectly, in any firm or corporation which is a 3047
dealer in securities as defined in sections 1707.01 and 1707.14 of 3048
the Revised Code, or in any firm or corporation licensed under 3049
sections 1321.01 to 1321.19 of the Revised Code. 3050

(F) The director of commerce shall not have any official 3051
connection with a savings and loan association, a savings bank, a 3052
bank, a bank holding company, a savings and loan association 3053

holding company, a consumer finance company, or a credit union 3054
that is under the supervision of the division of financial 3055
institutions, or a subsidiary of any of the preceding entities, or 3056
be interested in the business thereof. 3057

(G) There is hereby created in the state treasury the 3058
division of administration fund. The fund shall receive 3059
assessments on the operating funds of the department of commerce 3060
in accordance with procedures prescribed by the director of 3061
commerce ~~and approved by the director of budget and management.~~ 3062
All operating expenses of the division of administration shall be 3063
paid from the division of administration fund. 3064

(H) There is hereby created in the department of commerce a 3065
division of real estate and professional licensing, which shall be 3066
under the control and supervision of the director of commerce. The 3067
division of real estate and professional licensing shall be 3068
administered by the superintendent of real estate and professional 3069
licensing. The superintendent of real estate and professional 3070
licensing shall exercise the powers and perform the functions and 3071
duties delegated to the superintendent under Chapters 4735., 3072
4763., 4764., 4767., and 4768. of the Revised Code. 3073

(I) There is hereby created in the department of commerce a 3074
division of industrial compliance, which shall have all powers and 3075
perform all duties vested by law in the superintendent of 3076
industrial compliance. Wherever powers are conferred or duties 3077
imposed upon the superintendent of industrial compliance, those 3078
powers and duties shall be construed as vested in the division of 3079
industrial compliance. The division of industrial compliance shall 3080
be under the control and supervision of the director of commerce 3081
and be administered by the superintendent of industrial 3082
compliance. 3083

(J) There is hereby created in the department of commerce a 3084
division of unclaimed funds, which shall have all powers and 3085

perform all duties delegated to or vested by law in the 3086
superintendent of unclaimed funds. Wherever powers are conferred 3087
or duties imposed upon the superintendent of unclaimed funds, 3088
those powers and duties shall be construed as vested in the 3089
division of unclaimed funds. The division of unclaimed funds shall 3090
be under the control and supervision of the director of commerce 3091
and shall be administered by the superintendent of unclaimed 3092
funds. The superintendent of unclaimed funds shall exercise the 3093
powers and perform the functions and duties delegated to the 3094
superintendent by the director of commerce under section 121.07 3095
and Chapter 169. of the Revised Code, and as may otherwise be 3096
provided by law. 3097

(K) The department of commerce or a division of the 3098
department created by the Revised Code that is acting with 3099
authorization on the department's behalf may request from the 3100
bureau of criminal identification and investigation pursuant to 3101
section 109.572 of the Revised Code, or coordinate with 3102
appropriate federal, state, and local government agencies to 3103
accomplish, criminal records checks for the persons whose 3104
identities are required to be disclosed by an applicant for the 3105
issuance or transfer of a permit, license, certificate of 3106
registration, or certification issued or transferred by the 3107
department or division. At or before the time of making a request 3108
for a criminal records check, the department or division may 3109
require any person whose identity is required to be disclosed by 3110
an applicant for the issuance or transfer of such a license, 3111
permit, certificate of registration, or certification to submit to 3112
the department or division valid fingerprint impressions in a 3113
format and by any media or means acceptable to the bureau of 3114
criminal identification and investigation and, when applicable, 3115
the federal bureau of investigation. The department or division 3116
may cause the bureau of criminal identification and investigation 3117
to conduct a criminal records check through the federal bureau of 3118

investigation only if the person for whom the criminal records 3119
check would be conducted resides or works outside of this state or 3120
has resided or worked outside of this state during the preceding 3121
five years, or if a criminal records check conducted by the bureau 3122
of criminal identification and investigation within this state 3123
indicates that the person may have a criminal record outside of 3124
this state. 3125

In the case of a criminal records check under section 109.572 3126
of the Revised Code, the department or division shall forward to 3127
the bureau of criminal identification and investigation the 3128
requisite form, fingerprint impressions, and fee described in 3129
division (C) of that section. When requested by the department or 3130
division in accordance with this section, the bureau of criminal 3131
identification and investigation shall request from the federal 3132
bureau of investigation any information it has with respect to the 3133
person who is the subject of the requested criminal records check 3134
and shall forward the requisite fingerprint impressions and 3135
information to the federal bureau of investigation for that 3136
criminal records check. After conducting a criminal records check 3137
or receiving the results of a criminal records check from the 3138
federal bureau of investigation, the bureau of criminal 3139
identification and investigation shall provide the results to the 3140
department or division. 3141

The department or division may require any person about whom 3142
a criminal records check is requested to pay to the department or 3143
division the amount necessary to cover the fee charged to the 3144
department or division by the bureau of criminal identification 3145
and investigation under division (C)(3) of section 109.572 of the 3146
Revised Code, including, when applicable, any fee for a criminal 3147
records check conducted by the federal bureau of investigation. 3148

(L) The director of commerce, or the director's designee, may 3149
adopt rules to enhance compliance with statutes pertaining to, and 3150

rules adopted by, divisions under the direction, supervision, and 3151
control of the department or director by offering incentive-based 3152
programs that ensure safety and soundness while promoting growth 3153
and prosperity in the state. 3154

Sec. 121.084. (A) All moneys collected under sections 3155
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 3156
4169.03, and 5104.051 of the Revised Code, and any other moneys 3157
collected by the division of industrial compliance shall be paid 3158
into the state treasury to the credit of the industrial compliance 3159
operating fund, which is hereby created. The department of 3160
commerce shall use the moneys in the fund for paying the operating 3161
expenses of the division and the administrative assessment 3162
described in division (B) of this section. 3163

(B) The director of commerce, ~~with the approval of the~~ 3164
~~director of budget and management,~~ shall prescribe procedures for 3165
assessing the industrial compliance operating fund a proportionate 3166
share of the administrative costs of the department of commerce. 3167
The assessment shall be made in accordance with those procedures 3168
and be paid from the industrial compliance operating fund to the 3169
division of administration fund created in section 121.08 of the 3170
Revised Code. 3171

Sec. 121.22. (A) This section shall be liberally construed to 3172
require public officials to take official action and to conduct 3173
all deliberations upon official business only in open meetings 3174
unless the subject matter is specifically excepted by law. 3175

(B) As used in this section: 3176

(1) "Public body" means any of the following: 3177

(a) Any board, commission, committee, council, or similar 3178
decision-making body of a state agency, institution, or authority, 3179
and any legislative authority or board, commission, committee, 3180

council, agency, authority, or similar decision-making body of any 3181
county, township, municipal corporation, school district, or other 3182
political subdivision or local public institution; 3183

(b) Any committee or subcommittee of a body described in 3184
division (B)(1)(a) of this section; 3185

(c) A court of jurisdiction of a sanitary district organized 3186
wholly for the purpose of providing a water supply for domestic, 3187
municipal, and public use when meeting for the purpose of the 3188
appointment, removal, or reappointment of a member of the board of 3189
directors of such a district pursuant to section 6115.10 of the 3190
Revised Code, if applicable, or for any other matter related to 3191
such a district other than litigation involving the district. As 3192
used in division (B)(1)(c) of this section, "court of 3193
jurisdiction" has the same meaning as "court" in section 6115.01 3194
of the Revised Code. 3195

(2) "Meeting" means any prearranged discussion of the public 3196
business of the public body by a majority of its members. 3197

(3) "Regulated individual" means either of the following: 3198

(a) A student in a state or local public educational 3199
institution; 3200

(b) A person who is, voluntarily or involuntarily, an inmate, 3201
patient, or resident of a state or local institution because of 3202
criminal behavior, mental illness, an intellectual disability, 3203
disease, disability, age, or other condition requiring custodial 3204
care. 3205

(4) "Public office" has the same meaning as in section 3206
149.011 of the Revised Code. 3207

(C) All meetings of any public body are declared to be public 3208
meetings open to the public at all times. A member of a public 3209
body shall be present in person at a meeting open to the public to 3210

be considered present or to vote at the meeting and for purposes 3211
of determining whether a quorum is present at the meeting. 3212

The minutes of a regular or special meeting of any public 3213
body shall be promptly prepared, filed, and maintained and shall 3214
be open to public inspection. The minutes need only reflect the 3215
general subject matter of discussions in executive sessions 3216
authorized under division (G) or (J) of this section. 3217

(D) This section does not apply to any of the following: 3218

(1) A grand jury; 3219

(2) An audit conference conducted by the auditor of state or 3220
independent certified public accountants with officials of the 3221
public office that is the subject of the audit; 3222

(3) The adult parole authority when its hearings are 3223
conducted at a correctional institution for the sole purpose of 3224
interviewing inmates to determine parole or pardon and the 3225
department of rehabilitation and correction when its hearings are 3226
conducted at a correctional institution for the sole purpose of 3227
making determinations under section 2967.271 of the Revised Code 3228
regarding the release or maintained incarceration of an offender 3229
to whom that section applies; 3230

(4) The organized crime investigations commission established 3231
under section 177.01 of the Revised Code; 3232

(5) Meetings of a child fatality review board established 3233
under section 307.621 of the Revised Code, meetings related to a 3234
review conducted pursuant to guidelines established by the 3235
director of health under section 3701.70 of the Revised Code, and 3236
meetings conducted pursuant to sections 5153.171 to 5153.173 of 3237
the Revised Code; 3238

(6) The state medical board when determining whether to 3239
suspend a license or certificate without a prior hearing pursuant 3240

to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	3241 3242
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	3243 3244 3245
(8) The state board of pharmacy when determining whether to do either of the following:	3246 3247
(a) Suspend a license, certification, or registration without a prior hearing, including during meetings conducted by telephone conference, pursuant to Chapters 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder; or	3248 3249 3250 3251
(b) Restrict a person from obtaining further information from the drug database established in section 4729.75 of the Revised Code without a prior hearing pursuant to division (C) of section 4729.86 of the Revised Code.	3252 3253 3254 3255
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	3256 3257 3258
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	3259 3260 3261 3262
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	3263 3264 3265 3266
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;	3267 3268 3269 3270

(13) The occupational therapy section of the occupational	3271
therapy, physical therapy, and athletic trainers board when	3272
determining whether to suspend a license or limited permit without	3273
a hearing pursuant to division (E) of section 4755.11 of the	3274
Revised Code;	3275
(14) The physical therapy section of the occupational	3276
therapy, physical therapy, and athletic trainers board when	3277
determining whether to suspend a license without a hearing	3278
pursuant to division (F) of section 4755.47 of the Revised Code;	3279
(15) The athletic trainers section of the occupational	3280
therapy, physical therapy, and athletic trainers board when	3281
determining whether to suspend a license without a hearing	3282
pursuant to division (E) of section 4755.64 of the Revised Code;	3283
(16) Meetings of the pregnancy-associated mortality review	3284
board established under section 3738.01 of the Revised Code;	3285
(17) Meetings of a fetal-infant mortality review board	3286
established under section 3707.71 of the Revised Code.	3287
(E) The controlling board, the tax credit authority, or the	3288
minority development financing advisory board, when meeting to	3289
consider granting assistance pursuant to Chapter 122. or 166. of	3290
the Revised Code, in order to protect the interest of the	3291
applicant or the possible investment of public funds, by unanimous	3292
vote of all board or authority members present, may close the	3293
meeting during consideration of the following information	3294
confidentially received by the authority or board from the	3295
applicant:	3296
(1) Marketing plans;	3297
(2) Specific business strategy;	3298
(3) Production techniques and trade secrets;	3299
(4) Financial projections;	3300

(5) Personal financial statements of the applicant or members 3301
of the applicant's immediate family, including, but not limited 3302
to, tax records or other similar information not open to public 3303
inspection. 3304

The vote by the authority or board to accept or reject the 3305
application, as well as all proceedings of the authority or board 3306
not subject to this division, shall be open to the public and 3307
governed by this section. 3308

(F) Every public body, by rule, shall establish a reasonable 3309
method whereby any person may determine the time and place of all 3310
regularly scheduled meetings and the time, place, and purpose of 3311
all special meetings. A public body shall not hold a special 3312
meeting unless it gives at least twenty-four hours' advance notice 3313
to the news media that have requested notification, except in the 3314
event of an emergency requiring immediate official action. In the 3315
event of an emergency, the member or members calling the meeting 3316
shall notify the news media that have requested notification 3317
immediately of the time, place, and purpose of the meeting. 3318

The rule shall provide that any person, upon request and 3319
payment of a reasonable fee, may obtain reasonable advance 3320
notification of all meetings at which any specific type of public 3321
business is to be discussed. Provisions for advance notification 3322
may include, but are not limited to, mailing the agenda of 3323
meetings to all subscribers on a mailing list or mailing notices 3324
in self-addressed, stamped envelopes provided by the person. 3325

(G) Except as provided in divisions (G)(8) and (J) of this 3326
section, the members of a public body may hold an executive 3327
session only after a majority of a quorum of the public body 3328
determines, by a roll call vote, to hold an executive session and 3329
only at a regular or special meeting for the sole purpose of the 3330
consideration of any of the following matters: 3331

(1) To consider the appointment, employment, dismissal, 3332
discipline, promotion, demotion, or compensation of a public 3333
employee or official, or the investigation of charges or 3334
complaints against a public employee, official, licensee, or 3335
regulated individual, unless the public employee, official, 3336
licensee, or regulated individual requests a public hearing. 3337
Except as otherwise provided by law, no public body shall hold an 3338
executive session for the discipline of an elected official for 3339
conduct related to the performance of the elected official's 3340
official duties or for the elected official's removal from office. 3341
If a public body holds an executive session pursuant to division 3342
(G)(1) of this section, the motion and vote to hold that executive 3343
session shall state which one or more of the approved purposes 3344
listed in division (G)(1) of this section are the purposes for 3345
which the executive session is to be held, but need not include 3346
the name of any person to be considered at the meeting. 3347

(2) To consider the purchase of property for public purposes, 3348
the sale of property at competitive bidding, or the sale or other 3349
disposition of unneeded, obsolete, or unfit-for-use property in 3350
accordance with section 505.10 of the Revised Code, if premature 3351
disclosure of information would give an unfair competitive or 3352
bargaining advantage to a person whose personal, private interest 3353
is adverse to the general public interest. No member of a public 3354
body shall use division (G)(2) of this section as a subterfuge for 3355
providing covert information to prospective buyers or sellers. A 3356
purchase or sale of public property is void if the seller or buyer 3357
of the public property has received covert information from a 3358
member of a public body that has not been disclosed to the general 3359
public in sufficient time for other prospective buyers and sellers 3360
to prepare and submit offers. 3361

If the minutes of the public body show that all meetings and 3362
deliberations of the public body have been conducted in compliance 3363

with this section, any instrument executed by the public body 3364
purporting to convey, lease, or otherwise dispose of any right, 3365
title, or interest in any public property shall be conclusively 3366
presumed to have been executed in compliance with this section 3367
insofar as title or other interest of any bona fide purchasers, 3368
lessees, or transferees of the property is concerned. 3369

(3) Conferences with an attorney for the public body 3370
concerning disputes involving the public body that are the subject 3371
of pending or imminent court action; 3372

(4) Preparing for, conducting, or reviewing negotiations or 3373
bargaining sessions with public employees concerning their 3374
compensation or other terms and conditions of their employment; 3375

(5) Matters required to be kept confidential by federal law 3376
or regulations or state statutes; 3377

(6) Details relative to the security arrangements and 3378
emergency response protocols for a public body or a public office, 3379
if disclosure of the matters discussed could reasonably be 3380
expected to jeopardize the security of the public body or public 3381
office; 3382

(7) In the case of a county hospital operated pursuant to 3383
Chapter 339. of the Revised Code, a joint township hospital 3384
operated pursuant to Chapter 513. of the Revised Code, or a 3385
municipal hospital operated pursuant to Chapter 749. of the 3386
Revised Code, to consider trade secrets, as defined in section 3387
1333.61 of the Revised Code; 3388

(8) To consider confidential information related to the 3389
marketing plans, specific business strategy, production 3390
techniques, trade secrets, or personal financial statements of an 3391
applicant for economic development assistance, or to negotiations 3392
with other political subdivisions respecting requests for economic 3393
development assistance, provided that both of the following 3394

conditions apply: 3395

(a) The information is directly related to a request for 3396
economic development assistance that is to be provided or 3397
administered under any provision of Chapter 715., 725., 1724., or 3398
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 3399
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 3400
the Revised Code, or that involves public infrastructure 3401
improvements or the extension of utility services that are 3402
directly related to an economic development project. 3403

(b) A unanimous quorum of the public body determines, by a 3404
roll call vote, that the executive session is necessary to protect 3405
the interests of the applicant or the possible investment or 3406
expenditure of public funds to be made in connection with the 3407
economic development project. 3408

If a public body holds an executive session to consider any 3409
of the matters listed in divisions (G)(2) to (8) of this section, 3410
the motion and vote to hold that executive session shall state 3411
which one or more of the approved matters listed in those 3412
divisions are to be considered at the executive session. 3413

A public body specified in division (B)(1)(c) of this section 3414
shall not hold an executive session when meeting for the purposes 3415
specified in that division. 3416

(H) A resolution, rule, or formal action of any kind is 3417
invalid unless adopted in an open meeting of the public body. A 3418
resolution, rule, or formal action adopted in an open meeting that 3419
results from deliberations in a meeting not open to the public is 3420
invalid unless the deliberations were for a purpose specifically 3421
authorized in division (G) or (J) of this section and conducted at 3422
an executive session held in compliance with this section. A 3423
resolution, rule, or formal action adopted in an open meeting is 3424
invalid if the public body that adopted the resolution, rule, or 3425

formal action violated division (F) of this section. 3426

(I)(1) Any person may bring an action to enforce this 3427
section. An action under division (I)(1) of this section shall be 3428
brought within two years after the date of the alleged violation 3429
or threatened violation. Upon proof of a violation or threatened 3430
violation of this section in an action brought by any person, the 3431
court of common pleas shall issue an injunction to compel the 3432
members of the public body to comply with its provisions. 3433

(2)(a) If the court of common pleas issues an injunction 3434
pursuant to division (I)(1) of this section, the court shall order 3435
the public body that it enjoins to pay a civil forfeiture of five 3436
hundred dollars to the party that sought the injunction and shall 3437
award to that party all court costs and, subject to reduction as 3438
described in division (I)(2) of this section, reasonable 3439
attorney's fees. The court, in its discretion, may reduce an award 3440
of attorney's fees to the party that sought the injunction or not 3441
award attorney's fees to that party if the court determines both 3442
of the following: 3443

(i) That, based on the ordinary application of statutory law 3444
and case law as it existed at the time of violation or threatened 3445
violation that was the basis of the injunction, a well-informed 3446
public body reasonably would believe that the public body was not 3447
violating or threatening to violate this section; 3448

(ii) That a well-informed public body reasonably would 3449
believe that the conduct or threatened conduct that was the basis 3450
of the injunction would serve the public policy that underlies the 3451
authority that is asserted as permitting that conduct or 3452
threatened conduct. 3453

(b) If the court of common pleas does not issue an injunction 3454
pursuant to division (I)(1) of this section and the court 3455
determines at that time that the bringing of the action was 3456

frivolous conduct, as defined in division (A) of section 2323.51 3457
of the Revised Code, the court shall award to the public body all 3458
court costs and reasonable attorney's fees, as determined by the 3459
court. 3460

(3) Irreparable harm and prejudice to the party that sought 3461
the injunction shall be conclusively and irrebuttably presumed 3462
upon proof of a violation or threatened violation of this section. 3463

(4) A member of a public body who knowingly violates an 3464
injunction issued pursuant to division (I)(1) of this section may 3465
be removed from office by an action brought in the court of common 3466
pleas for that purpose by the prosecuting attorney or the attorney 3467
general. 3468

(J)(1) Pursuant to division (C) of section 5901.09 of the 3469
Revised Code, a veterans service commission shall hold an 3470
executive session for one or more of the following purposes unless 3471
an applicant requests a public hearing: 3472

(a) Interviewing an applicant for financial assistance under 3473
sections 5901.01 to 5901.15 of the Revised Code; 3474

(b) Discussing applications, statements, and other documents 3475
described in division (B) of section 5901.09 of the Revised Code; 3476

(c) Reviewing matters relating to an applicant's request for 3477
financial assistance under sections 5901.01 to 5901.15 of the 3478
Revised Code. 3479

(2) A veterans service commission shall not exclude an 3480
applicant for, recipient of, or former recipient of financial 3481
assistance under sections 5901.01 to 5901.15 of the Revised Code, 3482
and shall not exclude representatives selected by the applicant, 3483
recipient, or former recipient, from a meeting that the commission 3484
conducts as an executive session that pertains to the applicant's, 3485
recipient's, or former recipient's application for financial 3486
assistance. 3487

(3) A veterans service commission shall vote on the grant or 3488
denial of financial assistance under sections 5901.01 to 5901.15 3489
of the Revised Code only in an open meeting of the commission. The 3490
minutes of the meeting shall indicate the name, address, and 3491
occupation of the applicant, whether the assistance was granted or 3492
denied, the amount of the assistance if assistance is granted, and 3493
the votes for and against the granting of assistance. 3494

Sec. 122.01. (A) As used in the Revised Code, the "~~department~~ 3495
~~of development services agency~~" means the department of 3496
development ~~services agency~~ and the "director of development 3497
services" means the director of development ~~services~~. Whenever the 3498
~~department development services agency~~ or director of development 3499
services is referred to or designated in any statute, rule, 3500
contract, grant, or other document, the reference or designation 3501
shall be deemed to refer to the department of development services 3502
~~agency~~ or director of development ~~services~~, as the case may be. 3503

(B) As used in this chapter: 3504

(1) "Community problems" includes, but is not limited to, 3505
taxation, fiscal administration, governmental structure and 3506
organization, intergovernmental cooperation, education and 3507
training, employment needs, community planning and development, 3508
air and water pollution, public safety and the administration of 3509
justice, housing, mass transportation, community facilities and 3510
services, health, welfare, recreation, open space, and the 3511
development of human resources. 3512

(2) "Professional personnel" means either of the following: 3513

(a) Personnel who have earned a bachelor's degree from a 3514
college or university; 3515

(b) Personnel who serve as or have the working title of 3516
director, assistant director, deputy director, assistant deputy 3517

director, manager, office chief, assistant office chief, or 3518
program director. 3519

(3) "Technical personnel" means any of the following: 3520

(a) Personnel who provide technical assistance according to 3521
their job description or in accordance with the Revised Code; 3522

(b) Personnel employed in the director of ~~development~~ 3523
~~services'~~ development's office or the legal office, communications 3524
office, finance office, legislative affairs office, or human 3525
resources office of the department of development ~~services~~ agency; 3526

(c) Personnel employed in the technology division of the 3527
~~agency~~ department. 3528

Sec. 122.011. (A) The department of development ~~services~~ 3529
~~agency~~ shall develop and promote plans and programs designed to 3530
assure that state resources are efficiently used, economic growth 3531
is properly balanced, community growth is developed in an orderly 3532
manner, and local governments are coordinated with each other and 3533
the state, and for such purposes may do all of the following: 3534

(1) Serve as a clearinghouse for information, data, and other 3535
materials that may be helpful or necessary to persons or local 3536
governments, as provided in section 122.073 of the Revised Code; 3537

(2) Prepare and activate plans for the retention, 3538
development, expansion, and use of the resources and commerce of 3539
the state, as provided in section 122.04 of the Revised Code; 3540

(3) Assist and cooperate with federal, state, and local 3541
governments and agencies of federal, state, and local governments 3542
in the coordination of programs to carry out the functions and 3543
duties of the ~~agency~~ department; 3544

(4) Encourage and foster research and development activities, 3545
conduct studies related to the solution of community problems, and 3546
develop recommendations for administrative or legislative actions, 3547

as provided in section 122.03 of the Revised Code; 3548

(5) Serve as the economic and community development planning 3549
agency, which shall prepare and recommend plans and programs for 3550
the orderly growth and development of this state and which shall 3551
provide planning assistance, as provided in section 122.06 of the 3552
Revised Code; 3553

(6) Cooperate with and provide technical assistance to state 3554
departments, political subdivisions, regional and local planning 3555
commissions, tourist associations, councils of government, 3556
community development groups, community action agencies, and other 3557
appropriate organizations for carrying out the functions and 3558
duties of the department of development services ~~agency~~ or for the 3559
solution of community problems; 3560

(7) Coordinate the activities of state agencies that have an 3561
impact on carrying out the functions and duties of the department 3562
of development ~~services agency~~; 3563

(8) Encourage and assist the efforts of and cooperate with 3564
local governments to develop mutual and cooperative solutions to 3565
their common problems that relate to carrying out the purposes of 3566
this section; 3567

(9) Study existing structure, operations, and financing of 3568
regional or local government and those state activities that 3569
involve significant relations with regional or local governmental 3570
units, recommend to the governor and to the general assembly such 3571
changes in these provisions and activities as will improve the 3572
operations of regional or local government, and conduct other 3573
studies of legal provisions that affect problems related to 3574
carrying out the purposes of this section; 3575

(10) Create and operate a division of community development 3576
to develop and administer programs and activities that are 3577
authorized by federal statute or the Revised Code; 3578

(11) Until October 15, 2007, establish fees and charges, in 3579
consultation with the director of agriculture, for purchasing 3580
loans from financial institutions and providing loan guarantees 3581
under the family farm loan program created under sections 901.80 3582
to 901.83 of the Revised Code; 3583

(12) Provide loan servicing for the loans purchased and loan 3584
guarantees provided under section 901.80 of the Revised Code as 3585
that section existed prior to October 15, 2007; 3586

(13) Until October 15, 2007, and upon approval by the 3587
controlling board under division (A)(3) of section 901.82 of the 3588
Revised Code of the release of money to be used for purchasing a 3589
loan or providing a loan guarantee, request the release of that 3590
money in accordance with division (B) of section 166.03 of the 3591
Revised Code for use for the purposes of the fund created by 3592
section 166.031 of the Revised Code. 3593

(14) Allocate that portion of the national recovery zone 3594
economic development bond limitation and that portion of the 3595
national recovery zone facility bond limitation that has been 3596
allocated to the state under section 1400U-1 of the Internal 3597
Revenue Code, 26 U.S.C. 1400U-1. If any county or municipal 3598
corporation waives any portion of an allocation it receives under 3599
division (A)(14) of this section, the ~~agency~~ department may 3600
reallocate that amount. Any allocation or reallocation shall be 3601
made in accordance with this section and section 1400U-1 of the 3602
Internal Revenue Code. 3603

(B) The director of development ~~services~~ may request the 3604
attorney general to, and the attorney general, in accordance with 3605
section 109.02 of the Revised Code, shall bring a civil action in 3606
any court of competent jurisdiction. The director may be sued in 3607
the director's official capacity, in connection with this chapter, 3608
in accordance with Chapter 2743. of the Revised Code. 3609

(C) The director shall execute a contract pursuant to section 3610
187.04 of the Revised Code with the nonprofit corporation formed 3611
under section 187.01 of the Revised Code, and may execute any 3612
additional contracts with the corporation providing for the 3613
corporation to assist the director or ~~agency~~ department in 3614
carrying out any duties of the director or ~~agency~~ department under 3615
this chapter, under any other provision of the Revised Code 3616
dealing with economic development, or under a contract with the 3617
director, subject to section 187.04 of the Revised Code. 3618

Sec. 122.041. The director of development shall do all of the 3619
following with regard to the encouraging diversity, growth, and 3620
equity program created under section ~~123.152~~122.922 of the Revised 3621
Code: 3622

(A) Conduct outreach, marketing, and recruitment of EDGE 3623
business enterprises, as defined in that section; 3624

~~(B) Provide assistance to the department of administrative 3625
services, as needed, to certify new EDGE business enterprises and 3626
to train appropriate state agency staff;~~ 3627

~~(C)~~(B) Provide business development services to EDGE business 3628
enterprises in the developmental and transitional stages of the 3629
program, including financial and bonding assistance and management 3630
and technical assistance; 3631

~~(D)~~(C) Develop a mentor program to bring businesses into a 3632
working relationship with EDGE business enterprises in a way that 3633
commercially benefits both entities and serves the purpose of the 3634
EDGE program; 3635

~~(E) Not later than December 31, 2003, prepare and submit to 3636
the governor a detailed report outlining and evaluating the 3637
progress made in implementing the encouraging diversity, growth, 3638
and equity program;~~ 3639

~~(F)~~(D) Establish processes by which an EDGE business 3640
enterprise may apply for contract assistance, financial and 3641
bonding assistance, management and technical assistance, and 3642
mentoring opportunities. 3643

Sec. 122.17. (A) As used in this section: 3644

(1) "Payroll" means the total taxable income paid by the 3645
employer during the employer's taxable year, or during the 3646
calendar year that includes the employer's tax period, to each 3647
employee or each home-based employee employed in the project to 3648
the extent such payroll is not used to determine the credit under 3649
section 122.171 of the Revised Code. "Payroll" excludes amounts 3650
paid before the day the taxpayer becomes eligible for the credit 3651
and retirement or other benefits paid or contributed by the 3652
employer to or on behalf of employees. 3653

(2) "Baseline payroll" means Ohio employee payroll, except 3654
that the applicable measurement period is the twelve months 3655
immediately preceding the date the tax credit authority approves 3656
the taxpayer's application or the date the tax credit authority 3657
receives the recommendation described in division (C)(2)(a) of 3658
this section, whichever occurs first, multiplied by the sum of one 3659
plus an annual pay increase factor to be determined by the tax 3660
credit authority. 3661

(3) "Ohio employee payroll" means the amount of compensation 3662
used to determine the withholding obligations in division (A) of 3663
section 5747.06 of the Revised Code and paid by the employer 3664
during the employer's taxable year, or during the calendar year 3665
that includes the employer's tax period, to the following: 3666

(a) An employee employed in the project who is a resident of 3667
this state including a qualifying work-from-home employee not 3668
designated as a home-based employee by an applicant under division 3669
(C)(1) of this section; 3670

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

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

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

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

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

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

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

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

(9) "Resident" or "resident of this state" means an

individual who is a resident as defined in section 5747.01 of the Revised Code.

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

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

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

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

separate applications for separate tax credit agreements for the 3733
project, one of which shall include home-based employees in the 3734
computation of Ohio employee payroll and one of which shall 3735
include all other employees in the computation of Ohio employee 3736
payroll. 3737

The director of development ~~services~~ shall prescribe the form 3738
of the application. After receipt of an application, the authority 3739
may enter into an agreement with the taxpayer for a credit under 3740
this section if it determines all of the following: 3741

(a) The taxpayer's project will increase payroll; 3742

(b) The taxpayer's project is economically sound and will 3743
benefit the people of this state by increasing opportunities for 3744
employment and strengthening the economy of this state; 3745

(c) Receiving the tax credit is a major factor in the 3746
taxpayer's decision to go forward with the project. 3747

(2)(a) A taxpayer that chooses to begin the project prior to 3748
receiving the determination of the authority may, upon submitting 3749
the taxpayer's application to the authority, request that the 3750
chief investment officer of the nonprofit corporation formed under 3751
section 187.01 of the Revised Code and the director review the 3752
taxpayer's application and recommend to the authority that the 3753
taxpayer's application be considered. As soon as possible after 3754
receiving such a request, the chief investment officer and the 3755
director shall review the taxpayer's application and, if they 3756
determine that the application warrants consideration by the 3757
authority, make that recommendation to the authority not later 3758
than six months after the application is received by the 3759
authority. 3760

(b) The authority shall consider any taxpayer's application 3761
for which it receives a recommendation under division (C)(2)(a) of 3762
this section. If the authority determines that the taxpayer does 3763

not meet all of the criteria set forth in division (C)(1) of this 3764
section, the authority and the department of development services 3765
~~agency~~ shall proceed in accordance with rules adopted by the 3766
director pursuant to division (I) of this section. 3767

(D) An agreement under this section shall include all of the 3768
following: 3769

(1) A detailed description of the project that is the subject 3770
of the agreement; 3771

(2)(a) The term of the tax credit, which, except as provided 3772
in division (D)(2)(b) of this section, shall not exceed fifteen 3773
years, and the first taxable year, or first calendar year that 3774
includes a tax period, for which the credit may be claimed; 3775

(b) If the tax credit is computed on the basis of home-based 3776
employees, the term of the credit shall expire on or before the 3777
last day of the taxable or calendar year ending before the 3778
beginning of the seventh year after September 6, 2012, the 3779
effective date of H.B. 327 of the 129th general assembly. 3780

(3) A requirement that the taxpayer shall maintain operations 3781
at the project location for at least the greater of seven years or 3782
the term of the credit plus three years; 3783

(4) The percentage, as determined by the tax credit 3784
authority, of excess payroll that will be allowed as the amount of 3785
the credit for each taxable year or for each calendar year that 3786
includes a tax period; 3787

(5) The pay increase factor to be applied to the taxpayer's 3788
baseline payroll; 3789

(6) A requirement that the taxpayer annually shall report to 3790
the director of development ~~services~~ full-time equivalent 3791
employees, payroll, Ohio employee payroll, investment, the 3792
provision of health care benefits and tuition reimbursement if 3793

required in the agreement, and other information the director 3794
needs to perform the director's duties under this section; 3795

(7) A requirement that the director of development ~~services~~ 3796
annually review the information reported under division (D)(6) of 3797
this section and verify compliance with the agreement; if the 3798
taxpayer is in compliance, a requirement that the director issue a 3799
certificate to the taxpayer stating that the information has been 3800
verified and identifying the amount of the credit that may be 3801
claimed for the taxable or calendar year; 3802

(8) A provision providing that the taxpayer may not relocate 3803
a substantial number of employment positions from elsewhere in 3804
this state to the project location unless the director of 3805
development ~~services~~ determines that the legislative authority of 3806
the county, township, or municipal corporation from which the 3807
employment positions would be relocated has been notified by the 3808
taxpayer of the relocation. 3809

For purposes of this section, the movement of an employment 3810
position from one political subdivision to another political 3811
subdivision shall be considered a relocation of an employment 3812
position unless the employment position in the first political 3813
subdivision is replaced. The movement of a qualifying 3814
work-from-home employee to a different residence located in this 3815
state or to the project location shall not be considered a 3816
relocation of an employment position. 3817

(9) If the tax credit is computed on the basis of home-based 3818
employees, that the tax credit may not be claimed by the taxpayer 3819
until the taxable year or tax period in which the taxpayer employs 3820
at least two hundred employees more than the number of employees 3821
the taxpayer employed on June 30, 2011. 3822

(E) If a taxpayer fails to meet or comply with any condition 3823
or requirement set forth in a tax credit agreement, the tax credit 3824

authority may amend the agreement to reduce the percentage or term 3825
of the tax credit. The reduction of the percentage or term may 3826
take effect in the current taxable or calendar year. 3827

(F) Projects that consist solely of point-of-final-purchase 3828
retail facilities are not eligible for a tax credit under this 3829
section. If a project consists of both point-of-final-purchase 3830
retail facilities and nonretail facilities, only the portion of 3831
the project consisting of the nonretail facilities is eligible for 3832
a tax credit and only the excess payroll from the nonretail 3833
facilities shall be considered when computing the amount of the 3834
tax credit. If a warehouse facility is part of a 3835
point-of-final-purchase retail facility and supplies only that 3836
facility, the warehouse facility is not eligible for a tax credit. 3837
Catalog distribution centers are not considered 3838
point-of-final-purchase retail facilities for the purposes of this 3839
division, and are eligible for tax credits under this section. 3840

(G) Financial statements and other information submitted to 3841
the department of development ~~services agency~~ or the tax credit 3842
authority by an applicant or recipient of a tax credit under this 3843
section, and any information taken for any purpose from such 3844
statements or information, are not public records subject to 3845
section 149.43 of the Revised Code. However, the chairperson of 3846
the authority may make use of the statements and other information 3847
for purposes of issuing public reports or in connection with court 3848
proceedings concerning tax credit agreements under this section. 3849
Upon the request of the tax commissioner or, if the applicant or 3850
recipient is an insurance company, upon the request of the 3851
superintendent of insurance, the chairperson of the authority 3852
shall provide to the commissioner or superintendent any statement 3853
or information submitted by an applicant or recipient of a tax 3854
credit in connection with the credit. The commissioner or 3855
superintendent shall preserve the confidentiality of the statement 3856

or information. 3857

(H) A taxpayer claiming a credit under this section shall 3858
submit to the tax commissioner or, if the taxpayer is an insurance 3859
company, to the superintendent of insurance, a copy of the 3860
director of ~~development services~~ development's certificate of 3861
verification under division (D)(7) of this section with the 3862
taxpayer's tax report or return for the taxable year or for the 3863
calendar year that includes the tax period. Failure to submit a 3864
copy of the certificate with the report or return does not 3865
invalidate a claim for a credit if the taxpayer submits a copy of 3866
the certificate to the commissioner or superintendent within the 3867
time prescribed by section 5703.0510 of the Revised Code or within 3868
thirty days after the commissioner or superintendent requests it. 3869

(I) The director of development ~~services~~, after consultation 3870
with the tax commissioner and the superintendent of insurance and 3871
in accordance with Chapter 119. of the Revised Code, shall adopt 3872
rules necessary to implement this section, including rules that 3873
establish a procedure to be followed by the tax credit authority 3874
and the department of development ~~services~~ ~~agency~~ in the event the 3875
authority considers a taxpayer's application for which it receives 3876
a recommendation under division (C)(2)(a) of this section but does 3877
not approve it. The rules may provide for recipients of tax 3878
credits under this section to be charged fees to cover 3879
administrative costs of the tax credit program. For the purposes 3880
of these rules, a qualifying work-from-home employee shall be 3881
considered to be an employee employed at the applicant's project 3882
location. The fees collected shall be credited to the tax 3883
incentives operating fund created in section 122.174 of the 3884
Revised Code. At the time the director gives public notice under 3885
division (A) of section 119.03 of the Revised Code of the adoption 3886
of the rules, the director shall submit copies of the proposed 3887
rules to the chairpersons of the standing committees on economic 3888

development in the senate and the house of representatives. 3889

(J) For the purposes of this section, a taxpayer may include 3890
a partnership, a corporation that has made an election under 3891
subchapter S of chapter one of subtitle A of the Internal Revenue 3892
Code, or any other business entity through which income flows as a 3893
distributive share to its owners. A partnership, S-corporation, or 3894
other such business entity may elect to pass the credit received 3895
under this section through to the persons to whom the income or 3896
profit of the partnership, S-corporation, or other entity is 3897
distributed. The election shall be made on the annual report 3898
required under division (D)(6) of this section. The election 3899
applies to and is irrevocable for the credit for which the report 3900
is submitted. If the election is made, the credit shall be 3901
apportioned among those persons in the same proportions as those 3902
in which the income or profit is distributed. 3903

(K)(1) If the director of development ~~services~~ determines 3904
that a taxpayer who has received a credit under this section is 3905
not complying with the requirements of the agreement, the director 3906
shall notify the tax credit authority of the noncompliance. After 3907
receiving such a notice, and after giving the taxpayer an 3908
opportunity to explain the noncompliance, the tax credit authority 3909
may require the taxpayer to refund to this state a portion of the 3910
credit in accordance with the following: 3911

(a) If the taxpayer fails to comply with the requirement 3912
under division (D)(3) of this section, an amount determined in 3913
accordance with the following: 3914

(i) If the taxpayer maintained operations at the project 3915
location for a period less than or equal to the term of the 3916
credit, an amount not exceeding one hundred per cent of the sum of 3917
any credits allowed and received under this section; 3918

(ii) If the taxpayer maintained operations at the project 3919

location for a period longer than the term of the credit, but less 3920
than the greater of seven years or the term of the credit plus 3921
three years, an amount not exceeding seventy-five per cent of the 3922
sum of any credits allowed and received under this section. 3923

(b) If, on the metric evaluation date, the taxpayer fails to 3924
substantially meet the job creation, payroll, or investment 3925
requirements included in the agreement, an amount determined at 3926
the discretion of the authority; 3927

(c) If the taxpayer fails to substantially maintain the 3928
number of new full-time equivalent employees or amount of payroll 3929
required under the agreement at any time during the term of the 3930
agreement after the metric evaluation date, an amount determined 3931
at the discretion of the authority. 3932

(2) If a taxpayer files for bankruptcy and fails as described 3933
in division (K)(1)(a), (b), or (c) of this section, the director 3934
may immediately commence an action to recoup an amount not 3935
exceeding one hundred per cent of the sum of any credits received 3936
by the taxpayer under this section. 3937

(3) In determining the portion of the tax credit to be 3938
refunded to this state, the tax credit authority shall consider 3939
the effect of market conditions on the taxpayer's project and 3940
whether the taxpayer continues to maintain other operations in 3941
this state. After making the determination, the authority shall 3942
certify the amount to be refunded to the tax commissioner or 3943
superintendent of insurance, as appropriate. If the amount is 3944
certified to the commissioner, the commissioner shall make an 3945
assessment for that amount against the taxpayer under Chapter 3946
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 3947
amount is certified to the superintendent, the superintendent 3948
shall make an assessment for that amount against the taxpayer 3949
under Chapter 5725. or 5729. of the Revised Code. The time 3950
limitations on assessments under those chapters do not apply to an 3951

assessment under this division, but the commissioner or 3952
superintendent, as appropriate, shall make the assessment within 3953
one year after the date the authority certifies to the 3954
commissioner or superintendent the amount to be refunded. 3955

(L) On or before the first day of August each year, the 3956
director of development ~~services~~ shall submit a report to the 3957
governor, the president of the senate, and the speaker of the 3958
house of representatives on the tax credit program under this 3959
section. The report shall include information on the number of 3960
agreements that were entered into under this section during the 3961
preceding calendar year, a description of the project that is the 3962
subject of each such agreement, and an update on the status of 3963
projects under agreements entered into before the preceding 3964
calendar year. 3965

(M) There is hereby created the tax credit authority, which 3966
consists of the director of development ~~services~~ and four other 3967
members appointed as follows: the governor, the president of the 3968
senate, and the speaker of the house of representatives each shall 3969
appoint one member who shall be a specialist in economic 3970
development; the governor also shall appoint a member who is a 3971
specialist in taxation. Terms of office shall be for four years. 3972
Each member shall serve on the authority until the end of the term 3973
for which the member was appointed. Vacancies shall be filled in 3974
the same manner provided for original appointments. Any member 3975
appointed to fill a vacancy occurring prior to the expiration of 3976
the term for which the member's predecessor was appointed shall 3977
hold office for the remainder of that term. Members may be 3978
reappointed to the authority. Members of the authority shall 3979
receive their necessary and actual expenses while engaged in the 3980
business of the authority. The director of development ~~services~~ 3981
shall serve as chairperson of the authority, and the members 3982
annually shall elect a vice-chairperson from among themselves. 3983

Three members of the authority constitute a quorum to transact and 3984
vote on the business of the authority. The majority vote of the 3985
membership of the authority is necessary to approve any such 3986
business, including the election of the vice-chairperson. 3987

The director of development ~~services~~ may appoint a 3988
professional employee of the department of development ~~services~~ 3989
~~agency~~ to serve as the director's substitute at a meeting of the 3990
authority. The director shall make the appointment in writing. In 3991
the absence of the director from a meeting of the authority, the 3992
appointed substitute shall serve as chairperson. In the absence of 3993
both the director and the director's substitute from a meeting, 3994
the vice-chairperson shall serve as chairperson. 3995

(N) For purposes of the credits granted by this section 3996
against the taxes imposed under sections 5725.18 and 5729.03 of 3997
the Revised Code, "taxable year" means the period covered by the 3998
taxpayer's annual statement to the superintendent of insurance. 3999

(O) On or before the first day of March of each of the five 4000
calendar years beginning with 2014, each taxpayer subject to an 4001
agreement with the tax credit authority under this section on the 4002
basis of home-based employees shall report the number of 4003
home-based employees and other employees employed by the taxpayer 4004
in this state to the department of development ~~services~~ ~~agency~~. 4005

(P) On or before the first day of January of 2019, the 4006
director of development ~~services~~ shall submit a report to the 4007
governor, the president of the senate, and the speaker of the 4008
house of representatives on the effect of agreements entered into 4009
under this section in which the taxpayer included home-based 4010
employees in the computation of income tax revenue, as that term 4011
was defined in this section prior to the amendment of this section 4012
by H.B. 64 of the 131st general assembly. The report shall include 4013
information on the number of such agreements that were entered 4014
into in the preceding six years, a description of the projects 4015

that were the subjects of such agreements, and an analysis of 4016
nationwide home-based employment trends, including the number of 4017
home-based jobs created from July 1, 2011, through June 30, 2017, 4018
and a description of any home-based employment tax incentives 4019
provided by other states during that time. 4020

(Q) The director of development ~~services~~ may require any 4021
agreement entered into under this section for a tax credit 4022
computed on the basis of home-based employees to contain a 4023
provision that the taxpayer makes available health care benefits 4024
and tuition reimbursement to all employees. 4025

(R) Original agreements approved by the tax credit authority 4026
under this section in 2014 or 2015 before September 29, 2015, may 4027
be revised at the request of the taxpayer to conform with the 4028
amendments to this section and sections 5733.0610, 5736.50, 4029
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 4030
general assembly, upon mutual agreement of the taxpayer and the 4031
department of development ~~services agency~~, and approval by the tax 4032
credit authority. 4033

(S)(1) As used in division (S) of this section: 4034

(a) "Eligible agreement" means an agreement approved by the 4035
tax credit authority under this section on or before December 31, 4036
2013. 4037

(b) ~~"Reporting period" means a period corresponding to the 4038
annual report required under division (D)(6) of this section.~~ 4039

~~(c)~~ "Income tax revenue" has the same meaning as under this 4040
section as it existed before September 29, 2015, the effective 4041
date of the amendment of this section by H.B. 64 of the 131st 4042
general assembly. 4043

(2) In calendar year 2016 and thereafter, the tax credit 4044
authority shall annually determine a withholding adjustment factor 4045
to be used in the computation of income tax revenue for eligible 4046

agreements. The withholding adjustment factor shall be a numerical 4047
percentage that equals the percentage that employer income tax 4048
withholding rates have been increased or decreased as a result of 4049
changes in the income tax rates prescribed by section 5747.02 of 4050
the Revised Code by amendment of that section taking effect on or 4051
after June 29, 2013. 4052

(3) Except as provided in division (S)(4) of this section, 4053
for reporting periods ending in 2015 and thereafter for taxpayers 4054
subject to eligible agreements, the tax credit authority shall 4055
adjust the income tax revenue reported on the taxpayer's annual 4056
report by multiplying the withholding adjustment factor by the 4057
taxpayer's income tax revenue and doing one of the following: 4058

(a) If the income tax rates prescribed by section 5747.02 of 4059
the Revised Code have decreased by amendment of that section 4060
taking effect on or after June 29, 2013, add the product to the 4061
taxpayer's income tax revenue. 4062

(b) If the income tax rates prescribed by section 5747.02 of 4063
the Revised Code have increased by amendment of that section 4064
taking effect on or after June 29, 2013, subtract the product from 4065
the taxpayer's income tax revenue. 4066

(4) Division (S)(3) of this section shall not apply unless 4067
all of the following apply for the reporting period with respect 4068
to the eligible agreement: 4069

(a) The taxpayer has achieved one hundred per cent of the new 4070
employment commitment identified in the agreement. 4071

(b) If applicable, the taxpayer has achieved one hundred per 4072
cent of the new payroll commitment identified in the agreement. 4073

(c) If applicable, the taxpayer has achieved one hundred per 4074
cent of the investment commitment identified in the agreement. 4075

(5) Failure by a taxpayer to have achieved any of the 4076

applicable commitments described in divisions (S)(4)(a) to (c) of 4077
this section in a reporting period does not disqualify the 4078
taxpayer for the adjustment under division (S) of this section for 4079
an ensuing reporting period. 4080

(T) For reporting periods ending in calendar year 2020 or 4081
thereafter, any taxpayer may include qualifying work-from-home 4082
employees in its report required under division (D)(6) of this 4083
section, and the compensation of such employees shall qualify as 4084
Ohio employee payroll under division (A)(3)(a) of this section, 4085
even if the taxpayer's application to the tax credit authority to 4086
enter into an agreement for a tax credit under this section was 4087
approved before September 29, 2017, the effective date of the 4088
amendment of this section by H.B. 49 of the 132nd general 4089
assembly. 4090

Sec. 122.178. (A) As used in this section, "microcredential" 4091
means an industry-recognized credential or certificate that an 4092
applicant may complete in not more than one year and that is 4093
approved by the chancellor of higher education. 4094

(B) There is hereby created the TechCred program to reimburse 4095
employers from appropriations made for that purpose for training 4096
costs for prospective and incumbent employees to earn a 4097
microcredential. The department of development ~~services agency,~~ in 4098
consultation with the governor's office of workforce 4099
transformation and the department of higher education, shall 4100
develop the program. 4101

(C)(1) An employer seeking to participate in the program 4102
shall submit an application to the director of development 4103
~~services~~ during an application period established by the director. 4104
The employer shall include in the application all of the following 4105
information: 4106

(a) Proof that the employer is registered to do business in 4107

this state;	4108
(b) Proof that the employer is current on all tax obligations to the state;	4109 4110
(c) Proof that the employer is in compliance with all environmental regulations applicable to the employer;	4111 4112
(d) The name of the training provider from which a prospective or incumbent employee will receive the training and earn the microcredential;	4113 4114 4115
(e) The cost of the training;	4116
(f) The positions for which earning the microcredential will make a prospective or incumbent employee qualified or the occupational skill set that the prospective or incumbent employee will acquire on completing the training;	4117 4118 4119 4120
(g) The address of the facility or location at which the prospective or incumbent employee is expected to be employed after completing the training;	4121 4122 4123
(h) Any other information the director requires.	4124
(2) In addition to the information required under division (C)(1) of this section, an employer seeking to participate in the program also may submit any of the following information the employer wishes to provide to the director:	4125 4126 4127 4128
(a) The estimated wage after completing the training and earning the microcredential;	4129 4130
(b) The employer's certification as a minority business enterprise under section 123.151 <u>122.921</u> of the Revised Code or certification as an EDGE business enterprise under section 123.152 <u>122.922</u> of the Revised Code if applicable;	4131 4132 4133 4134
(c) The demographic information of the employer, including race and gender;	4135 4136

(d) Any demographic information of a prospective or incumbent employee that the employee provides to the employer, including race and gender;	4137 4138 4139
(e) Any other information the employer wishes to provide to the director.	4140 4141
(D)(1) The director shall consider all applications submitted during an application period after the application period ends. The director shall consider the following factors in determining whether to approve an application:	4142 4143 4144 4145
(a) The duration of the training program;	4146
(b) The cost of the training;	4147
(c) A prospective or incumbent employee's estimated wage after completing the training and earning the microcredential;	4148 4149
(d) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state;	4150 4151 4152
(e) Any other factors the director considers relevant in determining whether to approve an application.	4153 4154
(2) The chancellor of higher education shall establish a list of approved microcredentials. The director shall not approve an application submitted under division (C) of this section unless the microcredentials identified in the application are included in the chancellor's list. Not later than ninety days after the effective date of this section <u>April 14, 2020</u> , the director shall create a list of training providers that offer a microcredential included in the chancellor's list. Thereafter, the director shall annually update the list of training providers.	4155 4156 4157 4158 4159 4160 4161 4162 4163
(3) If the director approves an employer's application for participation in the program, the approval is valid as long as the employer maintains accurate application information under division	4164 4165 4166

(C)(1) of this section with the director. The employer shall 4167
submit the updated information to the director at the beginning of 4168
the third fiscal year the employer participates in the program and 4169
every other subsequent fiscal year thereafter. 4170

(4) The director shall not approve an application for 4171
participation in the program if the employer has violated Chapter 4172
4111. of the Revised Code within the four fiscal years immediately 4173
preceding the date of application. 4174

(E)(1) Each participating employer seeking reimbursement for 4175
training costs for a prospective or incumbent employee shall 4176
submit an application to the director that includes all of the 4177
following information for each prospective or incumbent employee: 4178

(a) The prospective or incumbent employee's name and 4179
position, if applicable, at the time of submitting the 4180
application; 4181

(b) The actual amount the employer paid to the training 4182
provider for the training; 4183

(c) Evidence that the prospective or incumbent employee 4184
earned a microcredential; 4185

(d) Evidence that the prospective or incumbent employee is a 4186
resident of this state. 4187

(2) The amount of the reimbursement shall be not more than 4188
two thousand dollars for each microcredential a prospective or 4189
incumbent employee receives. 4190

(F) No participating employer shall require a prospective or 4191
incumbent employee who receives a microcredential because the 4192
employer participated in and received a reimbursement through the 4193
employer's participation in the TechCred program to accept or 4194
continue employment with the employer. 4195

(G) For the purposes of determining regional diversity under 4196

this section, the following constitute the regions of the state:	4197
(1) The counties of Allen, Crawford, Defiance, Fulton,	4198
Hancock, Hardin, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky,	4199
Seneca, Van Wert, Williams, Wood, and Wyandot are one region;	4200
(2) The counties of Ashland, Ashtabula, Columbiana, Cuyahoga,	4201
Erie, Geauga, Huron, Lake, Lorain, Mahoning, Medina, Portage,	4202
Richland, Stark, Summit, Trumbull, Tuscarawas, and Wayne are one	4203
region;	4204
(3) The counties of Auglaize, Champaign, Clark, Clinton,	4205
Darke, Fayette, Greene, Mercer, Miami, Montgomery, Preble, and	4206
Shelby are one region;	4207
(4) The counties of Delaware, Fairfield, Franklin, Knox,	4208
Licking, Logan, Madison, Marion, Morrow, Pickaway, and Union are	4209
one region;	4210
(5) The counties of Adams, Athens, Gallia, Highland, Hocking,	4211
Jackson, Lawrence, Meigs, Pike, Ross, Scioto, and Vinton are one	4212
region;	4213
(6) The counties of Belmont, Carroll, Coshocton, Guernsey,	4214
Harrison, Holmes, Jefferson, Monroe, Morgan, Muskingum, Noble,	4215
Perry, and Washington are one region;	4216
(7) The counties of Brown, Butler, Clermont, Hamilton, and	4217
Warren are one region.	4218
(H)(1) The director shall do both of the following regarding	4219
the operation of the program:	4220
(a) Create an application to participate in the program and	4221
an application for reimbursement;	4222
(b) Create an internet web site with the applications for and	4223
information regarding the program created in this section.	4224
(2) The governor's office of workforce transformation shall	4225
include on the office's internet web site either of the following:	4226

(a) The applications for and information regarding the program created in this section; 4227
4228

(b) An internet link to the internet web site created under division (H)(1)(b) of this section. 4229
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(I) The director may adopt rules in accordance with Chapter 119. of the Revised Code regarding the operation of the program as the director considers necessary to administer the program, including establishing priority guidelines for approving applications under division (D) of this section. 4231
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Sec. 122.40. As used in sections 122.40 to 122.4077 of the Revised Code: 4236
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(A) "Application" means an application made under section 122.4013 of the Revised Code for a program grant. 4238
4239

(B) "Broadband funding gap" means the difference between the total amount of money a broadband provider calculates is necessary to construct the last mile of a specific broadband network and the total amount of money that the provider has determined is the maximum amount of money that is cost effective for the provider to invest in last mile construction for that network. 4240
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4245

(C)(1) "Broadband provider" means one of the following: 4246

(a) A video service provider as defined in section 1332.21 of the Revised Code; 4247
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(b) A provider that is capable of providing tier one or tier two broadband service and is one of the following: 4249
4250

(i) A telecommunications service provider; 4251

(ii) A satellite broadcasting service provider; 4252

(iii) A wireless service provider as defined in section 4927.01 of the Revised Code. 4253
4254

(2) "Broadband provider" does not include a governmental or 4255

quasi-governmental entity. 4256

(D) "Eligible project" means a project to provide tier two broadband service access to residences in an unserved area or tier one area of a municipal corporation or township that is eligible for funding under sections 122.4013 to 122.4046 of the Revised Code. 4257
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(E) "Last mile" means the last portion of a physical broadband network that connects an eligible project to the broader network used to provide tier two broadband service, and to which both of the following apply: 4262
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(1) It includes other network infrastructure in the last portion of the network that is needed to provide tier two broadband service to residences as part of an eligible project, but does not include network infrastructure in any portion of the network that is outside of the last portion. 4266
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(2) It is not required to be, or limited to, a specific distance measurement of one mile or any other specific distance. 4271
4272

(F) "Ohio residential broadband expansion grant program" means the program established under sections 122.40 to 122.4077 of the Revised Code. 4273
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(G) "Program grant" means money awarded under the Ohio residential broadband expansion grant program to assist in covering the broadband funding gap for an eligible project. 4276
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(H) "Satellite broadcasting service" has the same meaning as in section 5739.01 of the Revised Code. 4279
4280

(I) "Telecommunications service" has the same meaning as in section 1332.21 of the Revised Code. 4281
4282

(J) "Tier one broadband service" means a retail wireline or wireless broadband service capable of delivering internet access at speeds of at least ten but less than twenty-five megabits per 4283
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second downstream and at least one but less than three megabits 4286
per second upstream. 4287

(K) "Tier two broadband service" means a retail wireline or 4288
wireless broadband service capable of delivering internet access 4289
at speeds of at least twenty-five megabits per second downstream 4290
and at least three megabits per second upstream. 4291

(L) "Tier one area" means an area that has access to tier one 4292
broadband service but not tier two broadband service. "Tier one 4293
area" includes an area where construction of a network to provide 4294
tier one broadband service is in progress and is scheduled to be 4295
completed within a two-year period. "Tier one area" excludes an 4296
area where construction of a network to provide tier two broadband 4297
service is in progress and is scheduled to be completed within a 4298
two-year period. 4299

(M) "Unserved area" means an area without access to tier one 4300
broadband service or tier two broadband service. "Unserved area" 4301
excludes an area where construction of a network to provide tier 4302
one broadband service or tier two broadband service is in progress 4303
and is scheduled to be completed within a two-year period. 4304

Sec. 122.401. There is hereby established the Ohio 4305
residential broadband expansion grant program within the 4306
department of development. The department shall administer and 4307
provide staff assistance for the program. The department shall be 4308
responsible for receiving and reviewing applications for program 4309
grants and for sending completed applications to the broadband 4310
expansion program authority for final review and award of program 4311
grants. 4312

Sec. 122.403. (A)(1) There is hereby created, within the 4313
department of development, the broadband expansion program 4314
authority, which shall consist of the director of the department 4315

of development or the director's designee, the director of the 4316
office of InnovateOhio or the director's designee, and three other 4317
members as follows: one member appointed by the president of the 4318
senate, one member appointed by the speaker of the house of 4319
representatives, and one member appointed by the governor. 4320

(2) Appointed members shall have expertise in broadband 4321
infrastructure and technology. Appointed members may not be 4322
affiliated with or employed by the broadband industry or in a 4323
position to benefit from a program grant. 4324

(3) The assignment of designees by the director of the 4325
department of development and the director of InnovateOhio shall 4326
be made in writing. 4327

(B) Appointed members shall serve four year terms and are 4328
eligible for reappointment. 4329

(C) Vacancies shall be filled in the same manner as provided 4330
for original appointments. Any member appointed to fill a vacancy 4331
occurring prior to the expiration of the term for which the 4332
member's predecessor was appointed shall hold office for the 4333
remainder of that term. 4334

(D)(1)(a) Appointed members shall receive a monthly stipend 4335
as calculated under section 145.016 of the Revised Code in an 4336
amount that will qualify each member for one year of retirement 4337
service credit under the Ohio public employees retirement system 4338
for each year of the member's term. 4339

(b) Notwithstanding the requirement of section 145.58 of the 4340
Revised Code that eligibility for health care coverage provided 4341
under that section be based on years and types of service credit 4342
in accordance with rules adopted by the public employees 4343
retirement board, if the board provides health care coverage under 4344
that section, no service credit earned for service as a member of 4345

the authority shall be considered for purposes of determining 4346
eligibility for coverage under that section. 4347

(c) Members shall receive reimbursement for their necessary 4348
and actual expenses incurred in performing the business of the 4349
authority. The reimbursements constitute, as applicable, 4350
administrative costs of the Ohio residential broadband expansion 4351
grant program. 4352

(2) An appointed member of the authority who is currently 4353
serving as an administrative department head under section 121.03 4354
of the Revised Code is not eligible to receive a stipend under 4355
division (A) of this section. 4356

(3) The department shall be responsible for paying all 4357
reimbursements and stipends under this section. 4358

(E) The director of the department of development, or the 4359
director's designee, shall serve as chairperson of the authority. 4360
The members of the authority annually shall elect a 4361
vice-chairperson from the members of the authority. Three members 4362
of the authority constitute a quorum to transact and vote on the 4363
business of the authority. An affirmative vote of three members is 4364
necessary to approve any business, including the election of the 4365
vice-chairperson. 4366

(F) If the director of the department of development assigns 4367
a designee to serve on the authority, the director of the 4368
department of development shall appoint a professional employee of 4369
the department of development to serve as the director's designee 4370
at authority meetings. In the absence of the director of the 4371
department of development or the director's designee, the 4372
vice-chairperson of the authority shall serve as chairperson of 4373
authority meetings. 4374

(G) The authority is not an agency for purposes of sections 4375
101.82 to 101.87 of the Revised Code. 4376

Sec. 122.404. (A) Members of the broadband expansion program authority may attend meetings of the authority electronically by means of electronic communication if all of the following apply: 4377
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4379

(1) At least three of the members attending the meeting are present in person at the place where the meeting is conducted. 4380
4381

(2) The means of electronic communication permits, for the duration of the meeting, simultaneous communication among the members attending electronically, the members attending in person, and all members of the public attending in person. 4382
4383
4384
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(3) All votes taken at the meeting are to be taken by roll call vote. 4386
4387

(B) Except in the case of an emergency, a member who intends to attend a meeting by means of electronic communication shall notify the chairperson of the member's intent not less than forty-eight hours before the scheduled time of the meeting. 4388
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Sec. 122.406. The broadband expansion program authority shall consider each application for a program grant that the department of development has reviewed and sent to it. The authority shall score all applications according to the scoring system established under section 122.4040 of the Revised Code and award program grants based on that system according to sections 122.4043 and 122.4044 of the Revised Code. 4392
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Sec. 122.407. The broadband expansion program authority shall do the following: 4399
4400

(A) Continually examine, and propose updates to, any broadband plan provided by law enacted by the general assembly or executive order issued by the governor; 4401
4402
4403

(B) Monitor the Ohio residential broadband expansion grant program, including by doing the following: 4404
4405

<u>(1) Tracking the details for annual applications to the</u>	4406
<u>program, including:</u>	4407
<u>(a) The number of applications;</u>	4408
<u>(b) The geographic locations of the eligible projects listed</u>	4409
<u>in the applications;</u>	4410
<u>(c) The broadband providers submitting applications;</u>	4411
<u>(d) A description of the tier two broadband infrastructure</u>	4412
<u>and technology proposed in applications;</u>	4413
<u>(e) A description of any public right-of-way or public</u>	4414
<u>facilities to be utilized for the projects;</u>	4415
<u>(f) The speeds of the tier two broadband services under the</u>	4416
<u>projects;</u>	4417
<u>(g) The amount of the grant funds requested for each project</u>	4418
<u>and the proportion of project funding to be provided by the</u>	4419
<u>broadband provider and by other entities;</u>	4420
<u>(h) The number of residential and nonresidential locations</u>	4421
<u>that will have access to tier two broadband service under each</u>	4422
<u>project.</u>	4423
<u>(2) Tracking the program grants awarded annually, including:</u>	4424
<u>(a) The number of program grants;</u>	4425
<u>(b) The geographic location or locations of the projects;</u>	4426
<u>(c) The broadband providers that received program grants and</u>	4427
<u>the entities or companies that submitted the application;</u>	4428
<u>(d) A description of the tier two broadband infrastructure</u>	4429
<u>and technology deployed in each project;</u>	4430
<u>(e) A description of any public right-of-way or public</u>	4431
<u>facilities utilized as part of the project;</u>	4432
<u>(f) The speeds of the tier two broadband services enabled by</u>	4433

<u>each project;</u>	4434
<u>(g) The amounts of each program grant, the share of the project funding provided by the broadband provider, and any share of the project funding provided by other entities;</u>	4435
	4436
	4437
<u>(h) The number of residential and nonresidential locations that will have access to tier two broadband service for each project.</u>	4438
	4439
	4440
<u>(3) Listing the amount of any unencumbered program grant funds that remain available for award under the Ohio residential broadband expansion grant program;</u>	4441
	4442
	4443
<u>(4) Adding any additional factors deemed necessary by the authority to monitor the program.</u>	4444
	4445
<u>(C) Review all progress reports and operational reports required under section 122.4070 of the Revised Code.</u>	4446
	4447
<u>(D) Review all pending county requests made pursuant to section 122.4051 of the Revised Code for program grants.</u>	4448
	4449
<u>(E) Identify any best practices for, and impediments to, the continued expansion of tier two broadband infrastructure and technology in the state;</u>	4450
	4451
	4452
<u>(F) Coordinate and promote the availability of publicly accessible digital literacy programs to increase fluency in the use and security of interactive digital tools and searchable networks, including the ability to use digital tools safely and effectively for learning, collaborating, and producing;</u>	4453
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	4455
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	4457
<u>(G) Identify, examine, and report on any federal or state government grant or loan program that would promote the deployment of tier two broadband infrastructure and technology in the state;</u>	4458
	4459
	4460
<u>(H) Track the availability, location, rates and speeds, and adoption of programs that offer tier one broadband service and tier two broadband service in an affordable manner to low-income</u>	4461
	4462
	4463

consumers in this state. 4464

Sec. 122.408. The broadband expansion program authority shall 4465
conduct hearings to gather information necessary to accomplish the 4466
duties specified under section 122.407 of the Revised Code. 4467
4468

Sec. 122.4010. The broadband expansion program authority, 4469
upon majority approval of the authority's members, shall submit a 4470
written public report of its findings and recommendations to the 4471
governor and the general assembly not later than the first day of 4472
December of each calendar year. 4473

The authority shall not disclose any proprietary information 4474
or trade secrets in the report. Copies of the report shall be 4475
available on the department of development's web site. 4476

Sec. 122.4013. A broadband provider may apply for a program 4477
grant under the Ohio residential broadband expansion grant 4478
program. 4479

Sec. 122.4015. Program grants under the Ohio residential 4480
broadband expansion grant program shall be awarded only for 4481
eligible projects. 4482

Sec. 122.4016. An application is ineligible for a program 4483
grant under the Ohio residential broadband expansion grant program 4484
if either of the following applies: 4485

(A) It proposes to provide tier two broadband service to 4486
areas where tier two broadband service is presently available. 4487

(B) In the proposed area of service, construction of a 4488
network to provide tier two broadband service currently is in 4489
progress and one of the following applies: 4490

(1) It is being constructed, without grant program funding, 4491
by the broadband provider that submitted the application. 4492

(2) It is scheduled to be completed by another broadband 4493
provider not later than two years after the date of a challenge 4494
submitted under section 122.4030 of the Revised Code. 4495

Sec. 122.4017. The broadband expansion program authority 4496
shall award program grants under the Ohio residential broadband 4497
expansion grant program using funds appropriated by the general 4498
assembly for this purpose. 4499

Sec. 122.4018. (A) Each fiscal year, the department of 4500
development shall fund program grants until funds for that fiscal 4501
year are no longer available. 4502

(B) Any application pending at the end of the fiscal year 4503
shall be deemed denied, but may be refiled in a subsequent fiscal 4504
year provided that all information in the application is still 4505
current or has been updated. 4506

Sec. 122.4019. (A)(1) Each fiscal year, the department of 4507
development shall accept applications for program grants. 4508

(2) To apply for a program grant, a broadband provider shall 4509
submit an application to the department on a form prescribed by 4510
the department and shall provide the information required under 4511
section 122.4020 of the Revised Code. The form shall include a 4512
statement informing the applicant that failure to comply with the 4513
program or to meet the required tier two broadband service 4514
proposed in the application may require the refund of all or a 4515
portion of the program grant awarded for the project. 4516

(3) Applications may be submitted in person or by certified 4517
mail or electronic mail, or uploaded to a designated department 4518
web site for applications. 4519

(B) Applications shall be accepted during a submission period 4520
specified by the broadband expansion program authority. Each 4521
submission period shall be at least sixty but not more than ninety 4522
days. Each fiscal year there shall be not more than two submission 4523
periods. 4524

(C) The department shall publish information from submitted 4525
applications on the department's web site as follows: 4526

(1) Not later than five days after the close of the 4527
submission period in which the application is made, the department 4528
shall publish, for each completed application, the list of 4529
residential addresses included with the completed applications 4530
under division (A)(1)(a) of section 122.4020 of the Revised Code. 4531

(2) Not later than thirty-five days after the close of the 4532
submission period in which the application is made, the department 4533
shall publish all information from each completed application that 4534
it determines is not confidential under section 122.4023 of the 4535
Revised Code. 4536

(D) If an application is incomplete, the department shall 4537
notify the broadband provider that submitted the application. The 4538
notification shall list what information is incomplete and shall 4539
describe the procedure for refileing a completed application. 4540

(E) The department shall review an application determined 4541
incomplete under division (D) of this section as provided in 4542
sections 122.4019 to 122.4036 of the Revised Code if the 4543
application is completed and refiled: 4544

(1) Before the end of the submission period described under 4545
division (B) of this section; or 4546

(2) Not later than fourteen days after the end of the 4547
submission period described under division (B) of this section, if 4548
the department, for good cause shown, has granted the broadband 4549
provider an extension period of not more than fourteen days in 4550

which to file the completed application. 4551

(F) The department shall deny an incomplete application if 4552
the broadband provider fails to complete and refile it within the 4553
applicable submission period or extension period. Applications 4554
that are denied shall not be published on the department's web 4555
site. 4556

Sec. 122.4020. (A) An application for a program grant under 4557
the Ohio residential broadband expansion grant program shall 4558
include, at a minimum, the following information for an eligible 4559
project: 4560

(1) The location and description of the project, including: 4561

(a) The residential addresses in the unserved or tier one 4562
areas where tier two broadband service will be available following 4563
completion of the project; 4564

(b) A notarized letter of intent that the broadband provider 4565
will provide access to tier two broadband service to all of the 4566
residential addresses listed in the project; 4567

(c) A notarized letter of intent by the broadband provider 4568
that none of the funds provided by the program grant will be used 4569
to extend or deploy facilities to any residences other than those 4570
in the unserved or tier one areas that are part of the project. 4571

(2) The amount of the broadband funding gap and the amount of 4572
state funds requested; 4573

(3) The amount of any financial or in-kind contributions to 4574
be used towards the broadband funding gap and identification of 4575
the contribution sources, which may include, but are not limited 4576
to, any combination of the following: 4577

(a) Funds that the broadband provider is willing to 4578
contribute to the broadband funding gap; 4579

<u>(b) Funds received or approved under any other federal or state government grant or loan program;</u>	4580
	4581
<u>(c) General revenue funds of a municipal corporation, township, or county comprising the area of the eligible project;</u>	4582
	4583
<u>(d) Other discretionary funds of the municipal corporation, township, or county comprising the area of the eligible project;</u>	4584
	4585
<u>(e) Any alternate payment terms that the broadband provider and any legislative authority in which the project is located have negotiated and agreed to pursuant to section 122.4025 of the Revised Code;</u>	4586
	4587
	4588
	4589
<u>(f) Contributions or grants from individuals, organizations, or companies;</u>	4590
	4591
<u>(g) Property tax assessments made by the municipal corporation under Chapter 727. of the Revised Code, township under section 505.881 of the Revised Code, or county under section 303.251 of the Revised Code.</u>	4592
	4593
	4594
	4595
<u>(4) The source and amount of any financial or in-kind contributions received or approved for any part of the overall eligible project cost, but not applied to the broadband funding gap;</u>	4596
	4597
	4598
	4599
<u>(5) A description of, or documentation demonstrating, the broadband provider's managerial and technical expertise and experience with broadband service projects;</u>	4600
	4601
	4602
<u>(6) Whether the broadband provider plans to use wired, wireless, or satellite technology to complete the project;</u>	4603
	4604
<u>(7) A description of the scalability of the project;</u>	4605
<u>(8) The megabit-per-second broadband download and upload speeds planned for the project;</u>	4606
	4607
<u>(9) A description of the broadband provider's customer service capabilities, including any locally based call centers or</u>	4608
	4609

<u>customer service offices;</u>	4610
<u>(10) A copy of the broadband provider's general customer service policies, including any policy to credit customers for service outages or the provider's failure to keep scheduled appointments for service;</u>	4611 4612 4613 4614
<u>(11) The length of time that the broadband provider has been operating in the state;</u>	4615 4616
<u>(12) Proof that the broadband provider has the financial stability to complete the project;</u>	4617 4618
<u>(13) A projected construction timetable, including the anticipated date of the provision of tier two broadband service access within the project;</u>	4619 4620 4621
<u>(14) A description of anticipated or preliminary government authorizations, permits, and other approvals required in connection with the project, and an estimated timetable for the acquisition of such approvals;</u>	4622 4623 4624 4625
<u>(15) A notification from the broadband provider informing the department of development of any information contained in the application, or within related documents submitted with it, that the provider considers proprietary or a trade secret;</u>	4626 4627 4628 4629
<u>(16) A notarized statement that the broadband provider accepts the condition that noncompliance with Ohio residential broadband expansion grant program requirements may require the provider to refund all or part of any program grant the provider receives;</u>	4630 4631 4632 4633 4634
<u>(17) A brief description of any arrangements, including any subleases of infrastructure or joint ownership arrangements that the broadband provider that submitted the application has entered into, or plans to enter into, with another broadband provider, an electric cooperative, or an electric distribution utility, to</u>	4635 4636 4637 4638 4639

enable the offering of tier two broadband service under the 4640
project; 4641

(18) Other relevant information that the department 4642
determines is necessary and prescribes by rule; 4643

(19) Any other information the broadband provider considers 4644
necessary. 4645

(B) To meet the requirement to provide proof of financial 4646
responsibility in the application, the broadband provider may 4647
submit publicly available financial statements with its 4648
application. 4649

Sec. 122.4021. As a condition for receiving a program grant 4650
under the Ohio residential broadband expansion grant program, the 4651
broadband expansion program authority may require a broadband 4652
provider that is awarded a program grant to provide a performance 4653
bond, letter of credit, or other financial assurance acceptable to 4654
the authority prior to the commencement of construction. The bond, 4655
letter of credit, or assurance shall be in the sum, and with the 4656
sureties, that the state prescribes and shall be payable to the 4657
state, as applicable. 4658

The bond, letter of credit, or assurance may include the 4659
condition that the broadband provider will faithfully execute and 4660
complete the project. 4661

The purpose of the performance bond, letter of credit, or 4662
other financial assurance is to assure completion of the project. 4663
The bond, letter of credit, or assurance shall not be required 4664
after the project is complete. 4665

Sec. 122.4023. Pursuant to rules adopted under section 4666
122.4077 of the Revised Code, the department of development shall 4667
evaluate the information and documents submitted by a broadband 4668
provider in an application under section 122.4013 of the Revised 4669

Code or by a challenging provider under section 122.4030 of the 4670
Revised Code. The evaluation shall determine whether the 4671
information and documents are proprietary or constitute a trade 4672
secret. Upon receipt of the information and documents, the 4673
department shall keep them confidential and shall not publish them 4674
on the department's web site, unless the department finds that any 4675
information or document is not proprietary or a trade secret. Any 4676
information or document found not to be proprietary or a trade 4677
secret under this section shall not be considered confidential and 4678
shall be published on the department's web site as is required for 4679
an application under division (C)(2) of section 122.4019 of the 4680
Revised Code. 4681

Sec. 122.4024. The department of development shall establish 4682
an automatic notification process through which interested parties 4683
may receive electronic mail notifications when the department 4684
publishes application and other information on its web site 4685
pursuant to sections 122.40 to 122.4077 of the Revised Code. 4686

Sec. 122.4025. A broadband provider may enter into an 4687
arrangement to designate video service provider fees remitted by 4688
the broadband provider for contribution towards an eligible 4689
project's broadband funding gap under the following circumstances: 4690

(A) The broadband provider is a video service provider that, 4691
pursuant to section 1332.32 of the Revised Code, collects and 4692
remits video service provider fees to one or more legislative 4693
authorities in which an eligible project is located. 4694

(B) The arrangement is entered into by mutual consent with 4695
one or more of the legislative authorities in which the eligible 4696
project is located. 4697

Sec. 122.4030. (A) As used in section 122.4023 and sections 4698

122.4030 to 122.4035 of the Revised Code, "challenging provider" 4699
means either of the following: 4700

(1) A broadband provider that provides tier two broadband 4701
service within or directly adjacent to an eligible project; 4702

(2) A municipal electric utility that provides tier two 4703
broadband service to an area within the eligible project that is 4704
within the geographic area served by the municipal electric 4705
utility. 4706

(B)(1)(a) A challenging provider may challenge, in writing, 4707
all or part of a completed application for a program grant for the 4708
project not later than sixty-five days after the close of the 4709
submission period, or an extension granted under division (E)(2) 4710
of section 122.4019 of the Revised Code, in which the application 4711
was made. 4712

(b) The department of development, for good cause shown, may 4713
grant the broadband provider an extension of not more than 4714
fourteen days in which to submit a challenge. 4715

(2) The challenging provider shall provide, by certified 4716
mail, a written copy of the challenge to the department and to the 4717
broadband provider that submitted the application. The copy 4718
provided to the department may include any information the 4719
challenging provider considers to be proprietary or a trade 4720
secret. Proprietary information or trade secrets may be redacted 4721
from the copy provided to the broadband provider that submitted 4722
the application. 4723

(C) No challenge to an application may be accepted before the 4724
completed application is published in its entirety on the 4725
department's web site pursuant to division (C)(2) of section 4726
122.4019 of the Revised Code. 4727

Sec. 122.4031. (A) To successfully challenge an application, 4728

a challenging provider shall provide sufficient evidence to the 4729
department of development demonstrating that all or part of a 4730
project under the application is ineligible for a grant. The 4731
challenge shall, at minimum, include the following information: 4732

(1) Sufficient evidence disputing the notarized letter of 4733
intent submitted with the application that the eligible project 4734
contains unserved or tier one areas; 4735

(2) Sufficient evidence attesting to the challenging 4736
provider's existing or planned offering of tier two broadband 4737
service to all or part of the eligible project, which evidence 4738
shall include the following: 4739

(a) With regard to existing tier two broadband service, a 4740
signed, notarized statement submitted by the challenging provider 4741
that sufficiently identifies the part of the eligible project to 4742
which the challenging provider offers broadband service; 4743

(b) With regard to the planned provision of tier two 4744
broadband service by a challenging provider as described in 4745
division (B) of section 122.4016 of the Revised Code, both of the 4746
following: 4747

(i) A signed, notarized statement submitted by the 4748
challenging provider that sufficiently identifies the part of the 4749
eligible project to which the challenging provider will offer 4750
broadband service; 4751

(ii) A summary of the construction efforts that includes the 4752
dates when tier two broadband construction is expected to be 4753
completed and when tier two broadband service will first be 4754
offered to the part of the eligible project being challenged. 4755

(B) To demonstrate that all or part of a project under the 4756
application is ineligible for a grant, a challenging provider may 4757
present shapefile data, residential addresses, maps, or similar 4758

geographic details. Census block or census tract level data shall 4759
not be acceptable as evidence of ineligibility of all or part of a 4760
project. 4761

Sec. 122.4033. (A) Not later than thirty days after receipt 4762
of a challenge under sections 122.4030 to 122.4035 of the Revised 4763
Code, the broadband expansion program authority may do either of 4764
the following: 4765

(1) Suspend, subject to division (B) of this section, all or 4766
part of the application; 4767

(2) Reject the challenge, approve the application, and 4768
proceed with the application process. 4769

(B) The authority shall allow the broadband provider that 4770
submitted the application being challenged to revise the 4771
application consistent with sections 122.40 to 122.4077 of the 4772
Revised Code, if the authority upholds a challenge to all or part 4773
of the application. 4774

(C) The authority shall notify both the broadband provider 4775
that submitted the application and the challenging provider of any 4776
decision made under this section by providing a copy of the 4777
decision by certified mail or electronic mail. The authority shall 4778
update the status of the application on the department of 4779
development's web site. 4780

Sec. 122.4034. (A) If the broadband expansion program 4781
authority suspends all or part of an application, the broadband 4782
provider that submitted the application may revise and resubmit 4783
the application not later than fourteen days after receiving the 4784
suspension notification sent by the authority pursuant to section 4785
122.4033 of the Revised Code. The broadband provider may request, 4786
and the authority may grant for good cause shown, an extension 4787
period of not more than fourteen days in which the broadband 4788

provider may resubmit the application. 4789

(B) When revising the application, the broadband provider 4790
shall not expand the scope or impact of the original application, 4791
nor shall the provider add any new residential addresses to the 4792
eligible project. 4793

(C) The broadband provider shall provide a copy of the 4794
revised application to both the authority and the challenging 4795
provider by certified mail or by electronic mail or by uploading 4796
it to the department of development's designated web site for 4797
applications. The department shall publish the revised application 4798
on the department's public web site provided that any information 4799
determined to be proprietary or a trade secret under section 4800
122.4023 of the Revised Code is redacted. 4801

(D) Any failure to respond to the notification or properly 4802
revise the application to the authority's satisfaction shall be 4803
considered a withdrawal of the application. 4804

Sec. 122.4035. Upon receipt of a revised application under 4805
section 122.4034 of the Revised Code, the broadband expansion 4806
program authority shall review the revised application and decide 4807
whether to accept it or uphold the challenge under sections 4808
122.4030 to 122.4035 of the Revised Code within fourteen days. The 4809
authority shall provide a copy of its decision to both the 4810
broadband provider that submitted the revised application and the 4811
challenging provider by certified mail or electronic mail and 4812
shall update the status of the application on the department of 4813
development's web site. The decision shall be considered final, 4814
and further challenges to the revised application are prohibited. 4815

Sec. 122.4036. If the broadband expansion program authority 4816
upholds a challenge to an application under sections 122.4030 to 4817
122.4035 of the Revised Code and the challenging provider fails to 4818

provide tier two broadband service as described in the challenge, 4819
the challenging provider, after a reasonable opportunity to be 4820
heard, may be required to do either or both of the following, in 4821
addition to being subject to other remedies available under the 4822
law: 4823

(A) Pay to the department of development the amount of the 4824
original broadband funding gap described in section 122.4020 of 4825
the Revised Code for the application that was challenged; 4826

(B) Comply with the requirements of any other penalties 4827
prescribed by department rule and imposed after consultation with 4828
the authority. 4829

Sec. 122.4037. Any money collected under section 122.4036 of 4830
the Revised Code shall be deposited into the general revenue fund. 4831

Sec. 122.4040. The department of development, in consultation 4832
with the broadband expansion program authority, shall establish a 4833
weighted scoring system to evaluate and select applications for 4834
program grants. The scoring system shall be available on the 4835
department's web site at least thirty days before the beginning of 4836
the application submission period set by the department by rule. 4837

Sec. 122.4041. (A) The scoring system established under 4839
section 122.4040 of the Revised Code shall prioritize 4840
applications, from highest to lowest weight, in the following 4841
order: 4842

(1) Eligible projects for unserved areas, rather than tier 4843
one areas; 4844

(2) Eligible projects located within distressed areas as 4845
defined under section 122.19 of the Revised Code; 4846

(3) Eligible projects that are receiving or have been approved to receive any financial or in-kind contributions towards the broadband funding gap identified in the application under division (A)(3) of section 122.4020 of the Revised Code, including the amounts and proportions of the contributions; 4847
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(4) Eligible projects for which the proposed construction will utilize state rights-of-way or otherwise require attachment to, or use of, public facilities or conduit to provide tier two broadband service to an eligible project; 4852
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(5) Eligible projects based on proposed upstream and downstream speeds and the scalability of the tier two broadband service infrastructure proposed to be deployed to speeds higher than twenty-five megabits per second downstream and three megabits per second upstream; 4856
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(6) Eligible projects based on each of the following, in equal measure, without favoring one broadband provider over another: 4861
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(a) Demonstrated support, supported by evidence, for community and economic development efforts in, or adjacent to, the projects, including the provision of tier two broadband service to commercial and nonresidential entities as a result of, but not funded directly by, the program; 4864
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(b) The broadband provider's experience, technical ability, and financial capability in successfully deploying and providing tier two broadband service; 4869
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(c) The length of time the broadband provider has been providing tier two broadband service in the state; 4872
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(d) The extent to which funding is necessary to deploy tier two broadband service infrastructure in an economically feasible manner to the eligible project; 4874
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(e) The ability of the broadband provider to leverage nearby or adjacent tier one or tier two broadband service infrastructure to facilitate the proposed deployment and provision of tier two broadband service to the eligible project; 4877
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(f) If existing tier one or tier two broadband service infrastructure exists in the area of the eligible project, the extent to which the project utilizes or upgrades the existing tier one or tier two infrastructure, rather than duplicates it; 4881
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(g) The eligible projects' location within Ohio opportunity zones as defined under division (A)(2) of section 122.84 of the Revised Code. 4885
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(B) The department of development may include in the weighted scoring system any other factors it determines to be reasonable, appropriate, and consistent with the purpose of facilitating the economic deployment of tier two broadband service to unserved or tier one areas. The factors included under this division shall be considered after the weighted factors described in division (A) of this section. 4888
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Sec. 122.4043. (A) The broadband expansion program authority shall award program grants under the Ohio residential broadband expansion grant program after reviewing applications sent to the authority by the department of development. Awards shall be granted after the authority scores applications based on the scoring system under sections 122.4040 and 122.4041 of the Revised Code. 4895
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(B) In awarding program grants, the authority shall consider all regulatory obligations under applicable law. The authority may not consider any of the following: 4902
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(1) Proposed project conditions that require open access networks or that establish a specific rate, service, or other 4905
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obligation not specified for the Ohio residential broadband expansion grant program; 4907
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(2) Factors that would constrain a broadband provider that receives a grant from offering or providing tier two broadband service in the same manner as the service is offered by broadband providers in other areas of the state without funding from the Ohio residential broadband expansion grant program. 4909
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(C) Upon making the program grant awards, the authority shall notify the broadband providers that submitted applications of the award decisions. The authority shall publish the program grant awards on the department's web site. 4914
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Sec. 122.4044. After the broadband expansion program authority awards a program grant under section 122.4043 of the Revised Code, the department of development shall disburse the program grant as follows: 4918
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(A) A portion of the program grant, not to exceed thirty per cent, shall be disbursed before construction of the project begins. 4922
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(B) A portion of the program grant, not to exceed sixty per cent, shall be disbursed through periodic payments over the course of construction of the eligible project as determined by the department by rules adopted under section 122.4077 of the Revised Code. 4925
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(C) The remaining portion shall be disbursed not later than sixty days after the broadband provider notifies the authority that it has completed construction of the project. 4930
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Sec. 122.4045. (A) The department of development may, through an independent third party, conduct speed verification tests of an eligible project that receives a program grant. Such tests shall occur as follows: 4933
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(1) After the construction is complete, but prior to the final disbursement made under division (C) of section 122.4044 of the Revised Code to verify that tier two broadband service is being offered; 4937
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(2) At any time during the reporting period required under division (B) of section 122.4070 of the Revised Code, after receiving a complaint concerning a residence that is part of the eligible project. 4941
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(B) To evaluate compliance with tier two broadband service standards, speed verification tests conducted under this section shall be conducted on at least two different days and at two different times on each of those days. 4945
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(C) The department may withhold payments under this section for failure to meet at least the minimum speeds required under division (A)(8) of section 122.4020 of the Revised Code. Payments may be held until such speeds are achieved. 4949
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Sec. 122.4046. (A) If the department of development determines that a broadband provider that has been awarded a program grant under the Ohio residential broadband expansion grant program has not complied with the requirements of the program, the department shall notify the provider of the noncompliance. In accordance with rules adopted by the department under section 122.4077 of the Revised Code, the department shall give the provider an opportunity to explain or cure the noncompliance. 4953
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(B) After reviewing the broadband provider's explanation or effort to cure the noncompliance, the following shall apply: 4961
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(1) The department may require the provider to refund an amount equal to all, or a portion of, the amount of the program grant awarded to the provider, as determined by the department. 4963
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(2) The department may require the broadband provider to 4966

refund to the appropriate municipal corporation, township, or 4967
county the entire amount of general revenue funds or other 4968
discretionary funds that it contributed toward the broadband 4969
funding gap under division (A)(3)(c) or (d) of section 122.4020 of 4970
the Revised Code. 4971

(C) Not more than thirty days after the department's decision 4972
requiring a refund for program noncompliance or a failure to 4973
explain or cure it, the broadband provider shall pay the refund 4974
required under division (B) of this section. Payments shall be 4975
made directly to the municipal corporation, township, or county 4976
that contributed funds toward the broadband funding gap. 4977

Sec. 122.4050. Upon adoption of a resolution, a board of 4978
county commissioners may request the department of development to 4979
solicit applications from broadband providers for program grants 4980
under the Ohio residential broadband expansion grant program for 4981
eligible projects in the municipal corporations and townships of 4982
the county. 4983

A request made by a county shall identify, to the extent 4984
possible, the residential addresses in unserved or tier one areas 4985
of the county and provide a point of contact at the county and the 4986
municipal corporations and townships in which the addresses are 4987
located. The request may include any relevant information, 4988
documents, or materials that may be helpful for an application. 4989

Sec. 122.4051. Upon receipt of a request from a board of 4990
county commissioners pursuant to section 122.4050 of the Revised 4991
Code, the department of development shall solicit, on behalf of 4992
the county, applications for program grants for eligible projects 4993
under the Ohio residential broadband expansion grant program. Not 4994
later than seven days after receipt of the request, the department 4995
shall make the request, and any accompanying information submitted 4996

with the request, available for review on the department's web site. The request shall remain available on the web site for a period not to exceed two years. 4997
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Sec. 122.4053. An application for a program grant under the Ohio residential broadband expansion grant program made in response to a request under section 122.4050 of the Revised Code shall fully comply with all of the program requirements. Nothing in sections 122.4050, 122.4051, and 122.4053 of the Revised Code shall be construed as providing relief from compliance with any program requirements. 5000
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Sec. 122.4055. The department of development shall not be responsible for any failure by a broadband provider to respond to a request made by the department pursuant to section 122.4051 of the Revised Code or to submit an application for a program grant under the Ohio residential broadband expansion grant program. 5007
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Sec. 122.4060. (A) An eligible project shall not proceed unless the broadband expansion program authority awards a program grant under section 122.4043 of the Revised Code. 5012
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(B) After receiving a program grant award, the broadband provider shall construct and install last mile broadband infrastructure to the eligible project. 5015
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Sec. 122.4061. Under alternate payment term arrangements made under section 122.4025 of the Revised Code, unless otherwise negotiated, the participating legislative authorities in which the eligible project is located shall assume all financial responsibility for all of the eligible project costs incurred by the broadband provider prior to completion of the project or the award of a program grant. 5018
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Sec. 122.4063. (A) Nothing in sections 122.40 to 122.4077 of the Revised Code entitles the state of Ohio, the department of development, the broadband expansion program authority, or any other governmental entity to any ownership or other rights to broadband infrastructure constructed by a broadband provider pursuant to a program grant awarded to an eligible project.

(B) Nothing in sections 122.40 to 122.4077 of the Revised Code prevents an assignment, sale, change in ownership, or other similar transaction associated with broadband infrastructure constructed by a broadband provider pursuant to a program grant awarded to an eligible project. No assignment, sale, change in ownership, or other similar transaction relieves the successor of any obligation under sections 122.40 to 122.4077 of the Revised Code.

Sec. 122.4070. (A) Each broadband provider that receives a program grant shall submit to the department of development an annual progress report on the status of the deployment of the broadband network described in the eligible project for which the program grant award was made.

(B) The broadband provider shall submit an operational report with the department not later than sixty days after the completion of the project and annually thereafter for a period of four years.

Sec. 122.4071. (A) The reports required under section 122.4070 of the Revised Code and except as provided in section 122.4075 of the Revised Code, all information and documents in them shall be in a format specified by the department of development and shall be publicly available on the department's web site.

(B) In each report, the broadband provider shall include an account of how program grant funds have been used and the

project's progress toward fulfilling the objectives for which the 5055
program grant was awarded. The reports, at a minimum, shall 5056
include the following: 5057

(1) The number of residences that have access to tier two 5058
broadband services as a result of the eligible project; 5059

(2) The number of commercial and nonresidential entities that 5060
are not funded directly by the grant program but have access to 5061
tier two broadband service as a result of the eligible project; 5062

(3) The upstream and downstream speed of the broadband 5063
service provided; 5064

(4) The average price of broadband service; 5065

(5) The number of broadband service subscriptions 5066
attributable to the program grant. 5067

Sec. 122.4073. The department of development may set a due 5068
date for the reports required under section 122.4070 of the 5069
Revised Code and, for good cause shown, may grant extensions of 5070
the report due dates. 5071

Sec. 122.4075. Reports required under section 122.4070 of the 5072
Revised Code, and all information and documents in them, shall be 5073
maintained on a confidential basis by the department of 5074
development and shall not be published on the department's web 5075
site until the department determines what information or documents 5076
are not confidential pursuant to section 122.4023 of the Revised 5077
Code. 5078

Sec. 122.4076. (A) The broadband expansion program authority 5079
shall complete an annual report for the Ohio residential broadband 5080
expansion grant program. The report shall evaluate the success of 5081
the program grants awarded under section 122.4043 of the Revised 5082
Code in making tier two broadband services available to unserved 5083

and tier one areas. The report shall include the following 5084
information: 5085

(1) The number of applications received; 5086

(2) The number of applications that received program grants; 5087

(3) The amount of broadband infrastructure constructed for 5088
eligible projects; 5089

(4) The number of residences receiving, for that year, tier 5090
two broadband service for the first time under the program; 5091

(5) Findings and recommendations that have been agreed to by 5092
a majority of the authority members. 5093

(B) The report shall be published on the department of 5094
development's web site and shall be included as part of the 5095
department's annual report filed under section 121.18 of the 5096
Revised Code. The authority shall present the report annually to 5097
the governor and the general assembly not later than the first of 5098
December of each calendar year. 5099

Sec. 122.4077. (A) The department of development shall adopt 5100
rules for the Ohio residential broadband expansion grant program. 5101
The rules shall establish an application form and application 5102
procedures for the program and procedures for periodic program 5103
grant disbursements. 5104

(B) The rules may include the following: 5105

(1) Requirements for a program application in addition to the 5106
requirements described in section 122.4020 of the Revised Code; 5107

(2) Procedures for and circumstances under which partial 5108
funding of applications is permitted; 5109

(3) Procedures for broadband expansion program authority 5110
meetings, extension periods for applications and application 5111

challenges, hearings, and opportunities for public comment. 5112

(C) The department may adopt rules and procedures to 5113
implement sections 122.4051, 122.4053, and 122.4055 of the Revised 5114
Code. 5115

(D) Rules adopted under this section are not subject to 5116
section 121.95 of the Revised Code. 5117

(E) The department and the authority are not subject to 5118
division (F) of section 121.95 of the Revised Code regarding the 5119
development and adoption of rules pursuant to this section. 5120

Sec. 122.42. (A) The director of development ~~services~~ shall 5121
do all of the following: 5122

(1) Receive applications for assistance under sections 122.39 5123
and 122.41 to 122.62 of the Revised Code; 5124

(2) Make a final determination whether to approve the 5125
application for assistance; 5126

(3) Transmit determinations to approve assistance to the 5127
controlling board together with any information the controlling 5128
board requires for the board's review and decision as to whether 5129
to approve the assistance; 5130

(4) Issue revenue bonds of the state through the treasurer of 5131
state, as necessary, payable solely from revenues and other 5132
sources as provided in sections 122.39 and 122.41 to 122.62 of the 5133
Revised Code. 5134

(B) The director may do all of the following: 5135

(1) Fix the rate of interest and charges to be made upon or 5136
with respect to moneys loaned by the director and the terms upon 5137
which mortgages and lease rentals may be guaranteed and the rates 5138
of charges to be made for the loans and guarantees and to make 5139
provisions for the operation of the funds established by the 5140

director in accordance with this section and sections 122.54, 5141
122.55, 122.56, and 122.57 of the Revised Code; 5142

(2) Loan moneys from the fund established in accordance with 5143
section 122.54 of the Revised Code pursuant to and in compliance 5144
with sections 122.39 and 122.41 to 122.62 of the Revised Code; 5145

(3) Acquire in the name of the director any property of any 5146
kind or character in accordance with sections 122.39 and 122.41 to 5147
122.62 of the Revised Code, by purchase, purchase at foreclosure, 5148
or exchange on such terms and in such manner as the director 5149
considers proper; 5150

(4) Make and enter into all contracts and agreements 5151
necessary or incidental to the performance of the director's 5152
duties and the exercise of the director's powers under sections 5153
122.39 and 122.41 to 122.62 of the Revised Code; 5154

(5) Maintain, protect, repair, improve, and insure any 5155
property which the director has acquired and dispose of the same 5156
by sale, exchange, or lease for the consideration and on the terms 5157
and in the manner as the director considers proper, but is not 5158
authorized to operate any such property as a business except as 5159
the lessor of the property; 5160

(6)(a) When the cost of any contract for the maintenance, 5161
protection, repair, or improvement of any property held by the 5162
director other than compensation for personal services involves an 5163
expenditure of more than one thousand dollars, the director shall 5164
make a written contract with the lowest responsive and responsible 5165
bidder in accordance with section 9.312 of the Revised Code after 5166
advertisement for not less than two consecutive weeks in a 5167
newspaper of general circulation in the county where such 5168
contract, or some substantial part of it, is to be performed, and 5169
in such other publications as the director determines, which 5170
notice shall state the general character of the work and the 5171

general character of the materials to be furnished, the place 5172
where plans and specifications may be examined, and the time and 5173
place of receiving bids. 5174

(b) Each bid for a contract for the construction, demolition, 5175
alteration, repair, or reconstruction of an improvement shall 5176
contain the full name of every person interested in it and meet 5177
the requirements of section 153.54 of the Revised Code. 5178

(c) Each bid for a contract, except as provided in division 5179
(B)(6)(b) of this section, shall contain the full name of every 5180
person interested in it and shall be accompanied by bond or 5181
certified check on a solvent bank, in such amount as the director 5182
considers sufficient, that if the bid is accepted a contract will 5183
be entered into and the performance of the proposal secured. 5184

(d) The director may reject any and all bids. 5185

(e) A bond with good and sufficient surety, approved by the 5186
director, shall be required of every contractor awarded a contract 5187
except as provided in division (B)(6)(b) of this section, in an 5188
amount equal to at least fifty per cent of the contract price, 5189
conditioned upon faithful performance of the contract. 5190

(7) Employ financial consultants, appraisers, consulting 5191
engineers, superintendents, managers, construction and accounting 5192
experts, attorneys, and other employees and agents as are 5193
necessary in the director's judgment and fix their compensation; 5194

(8) Assist qualified persons in the coordination and 5195
formation of a small business development company, having a 5196
statewide area of operation, conditional upon the company's 5197
agreeing to seek to obtain certification from the federal small 5198
business administration as a certified statewide development 5199
company and participation in the guaranteed loan program 5200
administered by the small business administration pursuant to the 5201
Act of July 2, 1980, 94 Stat. 837, 15 U.S.C.A. 697. During the 5202

initial period of formation of the statewide small business 5203
development company, the director shall provide technical and 5204
financial expertise, legal and managerial assistance, and other 5205
services as are necessary and proper to enable the company to 5206
obtain and maintain federal certification and participation in the 5207
federal guaranteed loan program. The director may charge a fee, in 5208
such amount and on such terms and conditions as the director 5209
determines necessary and proper, for assistance and services 5210
provided pursuant to division (B)(8) of this section. 5211

Persons chosen by the director to receive assistance in the 5212
formation of a statewide small business development company 5213
pursuant to division (B)(8) of this section shall make a special 5214
effort to use their participation in the federal guaranteed loan 5215
program to assist small businesses which are minority business 5216
enterprises as defined in division (E) of section 122.71 of the 5217
Revised Code. The director, with the assistance of the minority 5218
business development division of the department of development, 5219
shall provide technical and financial expertise, legal and 5220
managerial assistance, and other services in such a manner to 5221
enable the development company to provide assistance to small 5222
businesses which are minority business enterprises, and shall make 5223
available to the development company information pertaining to 5224
assistance available to minority business enterprises under 5225
programs established pursuant to sections 122.71 to 122.83, 122.87 5226
to 122.89, 122.92 to 122.94, ~~123.151~~ 122.921, and 125.081 of the 5227
Revised Code. 5228

(9) Receive and accept grants, gifts, and contributions of 5229
money, property, labor, and other things of value to be held, 5230
used, and applied only for the purpose for which such grants, 5231
gifts, and contributions are made, from individuals, private and 5232
public corporations, from the United States or any agency of the 5233
United States, from the state or any agency of the state, and from 5234

any political subdivision of the state, and may agree to repay any 5235
contribution of money or to return any property contributed or the 5236
value of the property at such times, in such amounts, and on such 5237
terms and conditions, excluding the payment of interest, as the 5238
director determines at the time such contribution is made, and may 5239
evidence such obligations by notes, bonds, or other written 5240
instruments; 5241

(10) Establish with the treasurer of state the funds provided 5242
in sections 122.54, 122.55, 122.56, and 122.57 of the Revised 5243
Code, in addition to such funds as the director determines are 5244
necessary or proper; 5245

(11) Do all acts and things necessary or proper to carry out 5246
the powers expressly granted and the duties imposed in sections 5247
122.39 and 122.41 to 122.62 and Chapter 163. of the Revised Code. 5248

(C) All expenses and obligations incurred by the director in 5249
carrying out the director's powers and in exercising the 5250
director's duties under sections 122.39 and 122.41 to 122.62 of 5251
the Revised Code, shall be payable solely from the proceeds of 5252
revenue bonds issued pursuant to those sections, from revenues or 5253
other receipts or income of the director, from grants, gifts, and 5254
contributions, or funds established in accordance with those 5255
sections. Those sections do not authorize the director to incur 5256
indebtedness or to impose liability on the state or any political 5257
subdivision of the state. 5258

(D) Financial statements and financial data submitted to the 5259
director by any corporation, partnership, or person in connection 5260
with a loan application, or any information taken from such 5261
statements or data for any purpose, shall not be open to public 5262
inspection. 5263

Sec. 122.60. As used in sections 122.60 to 122.605 of the 5264
Revised Code: 5265

(A) "Capital access loan" means a loan made by a 5266
participating financial institution to an eligible business that 5267
may be secured by a deposit of money from the fund into the 5268
participating financial institution's program reserve account. 5269

(B) ~~"Department of development" means the development 5270
services agency.~~ 5271

~~(C)~~ "Eligible business" means a for-profit business entity, 5272
or a nonprofit entity, that had total annual sales in its most 5273
recently completed fiscal year of less than ten million dollars 5274
and that has a principal place of for-profit business or nonprofit 5275
entity activity within the state, the operation of which, alone or 5276
in conjunction with other facilities, will create new jobs or 5277
preserve existing jobs and employment opportunities and will 5278
improve the economic welfare of the people of the state. As used 5279
in this division, "new jobs" does not include existing jobs 5280
transferred from another facility within the state, and "existing 5281
jobs" means only existing jobs at facilities within the same 5282
municipal corporation or township in which the project, activity, 5283
or enterprise that is the subject of a capital access loan is 5284
located. 5285

~~(D)~~(C) "Financial institution" means any bank, trust company, 5286
savings bank, or savings and loan association that is chartered by 5287
and has a significant presence in the state, or any national bank, 5288
federal savings and loan association, or federal savings bank that 5289
has a significant presence in the state. 5290

~~(E)~~(D) "Fund" means the capital access loan program fund. 5291

~~(F)~~(E) "Minority business supplier development council" has 5292
the same meaning as in section 122.71 of the Revised Code. 5293

~~(G)~~(F) "Participating financial institution" means a 5294
financial institution that has a valid, current participation 5295
agreement with the department of development ~~services agency~~. 5296

~~(H)~~(G) "Participation agreement" means the agreement between 5297
a financial institution and the agency department under which a 5298
financial institution may participate in the program. 5299

~~(I)~~(H) "Passive real estate ownership" means the ownership of 5300
real estate for the sole purpose of deriving income from it by 5301
speculation, trade, or rental. 5302

~~(J)~~(I) "Program" means the capital access loan program 5303
created under section 122.602 of the Revised Code. 5304

~~(K)~~(J) "Program reserve account" means a dedicated account at 5305
each participating financial institution that is the property of 5306
the state and may be used by the participating financial 5307
institution only for the purpose of recovering a claim under 5308
section 122.604 of the Revised Code arising from a default on a 5309
loan made by the participating financial institution under the 5310
program. 5311

Sec. 122.601. There is hereby created in the state treasury 5312
the capital access loan program fund. The fund shall consist of 5313
money deposited into it from the minority business enterprise loan 5314
fund pursuant to section 122.80 of the Revised Code and the 5315
facilities establishment fund pursuant to section 166.03 of the 5316
Revised Code and all money deposited into it pursuant to section 5317
122.602 of the Revised Code. The total amount of money deposited 5318
into the fund from the minority business enterprise loan fund or 5319
the facilities establishment fund shall not exceed three million 5320
dollars during any particular fiscal year of the department of 5321
development ~~services agency~~. 5322

The agency department shall disburse money from the fund only 5323
to pay the operating costs of the program, including the 5324
administrative costs incurred by the agency department in 5325
connection with the program, and only in keeping with the purposes 5326
specified in sections 122.60 to 122.605 of the Revised Code. 5327

Sec. 122.603. (A)(1) Upon approval by the director of 5328
development ~~services~~ and after entering into a participation 5329
agreement with the department of development ~~services agency~~, a 5330
participating financial institution making a capital access loan 5331
shall establish a program reserve account. The account shall be an 5332
interest-bearing account and shall contain only moneys deposited 5333
into it under the program and the interest payable on the moneys 5334
in the account. 5335

(2) All interest payable on the moneys in the program reserve 5336
account shall be added to the moneys and held as an additional 5337
loss reserve. The director may require that a portion or all of 5338
the accrued interest so held in the account be released to the 5339
~~agency~~ department. If the director causes a release of accrued 5340
interest, the director shall deposit the released amount into the 5341
capital access loan program fund created in section 122.601 of the 5342
Revised Code. The director shall not require the release of that 5343
accrued interest more than twice in a fiscal year. 5344

(B) When a participating financial institution makes a 5345
capital access loan, it shall require the eligible business to pay 5346
to the participating financial institution a fee in an amount that 5347
is not less than one and one-half per cent, and not more than 5348
three per cent, of the principal amount of the loan. The 5349
participating financial institution shall deposit the fee into its 5350
program reserve account, and it also shall deposit into the 5351
account an amount of its own funds equal to the amount of the fee. 5352
The participating financial institution may recover from the 5353
eligible business all or part of the amount that the participating 5354
financial institution is required to deposit into the account 5355
under this division in any manner agreed to by the participating 5356
financial institution and the eligible business. 5357

(C) For each capital access loan made by a participating 5358

financial institution, the participating financial institution 5359
shall certify to the director, within a period specified by the 5360
director, that the participating financial institution has made 5361
the loan. The certification shall include the amount of the loan, 5362
the amount of the fee received from the eligible business, the 5363
amount of its own funds that the participating financial 5364
institution deposited into its program reserve account to reflect 5365
that fee, and any other information specified by the director. The 5366
certification also shall indicate if the eligible business 5367
receiving the capital access loan is a minority business 5368
enterprise as defined in section 122.71 of the Revised Code or 5369
certified by the minority business supplier development council. 5370

(D)(1)(a) Upon receipt of each of the first three 5371
certifications from a participating financial institution made 5372
under division (C) of this section and subject to section 122.602 5373
of the Revised Code, the director shall disburse to the 5374
participating financial institution from the capital access loan 5375
program fund an amount not to exceed fifty per cent of the 5376
principal amount of the particular capital access loan for deposit 5377
into the participating financial institution's program reserve 5378
account. Thereafter, upon receipt of a certification from that 5379
participating financial institution made under division (C) of 5380
this section and subject to section 122.602 of the Revised Code, 5381
the director shall disburse to the participating financial 5382
institution from the capital access loan program fund an amount 5383
equal to ten per cent of the principal amount of the particular 5384
capital access loan for deposit into the participating financial 5385
institution's program reserve account. 5386

(b) Notwithstanding division (D)(1)(a) of this section, and 5387
subject to section 122.602 of the Revised Code, upon receipt of 5388
any certification from a participating financial institution made 5389
under division (C) of this section with respect to a capital 5390

access loan made to an eligible business that is a minority 5391
business enterprise, the director shall disburse to the 5392
participating financial institution from the capital access loan 5393
program fund an amount not to exceed eighty per cent of the 5394
principal amount of the particular capital access loan for deposit 5395
into the participating financial institution's program reserve 5396
account. 5397

(2) The disbursement of moneys from the fund to a 5398
participating financial institution does not require approval from 5399
the controlling board. 5400

(E) If the amount in a program reserve account exceeds an 5401
amount equal to thirty-three per cent of a participating financial 5402
institution's outstanding capital access loans, the ~~agency~~ 5403
department may cause the withdrawal of the excess amount and the 5404
deposit of the withdrawn amount into the capital access loan 5405
program fund. 5406

(F)(1) The ~~agency~~ department may cause the withdrawal of the 5407
total amount in a participating financial institution's program 5408
reserve account if any of the following applies: 5409

(a) The financial institution is no longer eligible to 5410
participate in the program. 5411

(b) The participation agreement expires without renewal by 5412
the ~~agency~~ department or the financial institution. 5413

(c) The financial institution has no outstanding capital 5414
access loans. 5415

(d) The financial institution has not made a capital access 5416
loan within the preceding twenty-four months. 5417

(2) If the ~~agency~~ department causes a withdrawal under 5418
division (F)(1) of this section, the ~~agency~~ department shall 5419
deposit the withdrawn amount into the capital access loan program 5420

fund.	5421
Sec. 122.65. As used in sections 122.65 to 122.659 of the Revised Code:	5422 5423
(A) "Applicable cleanup standards" means either of the following:	5424 5425
(1) For property to which Chapter 3734. of the Revised Code and rules adopted under it apply, the requirements for closure or corrective action established in rules adopted under section 3734.12 of the Revised Code;	5426 5427 5428 5429
(2) For property to which Chapter 3746. of the Revised Code and rules adopted under it apply, the cleanup standards that are established in rules adopted under section 3746.04 of the Revised Code.	5430 5431 5432 5433
(B) "Applicant" means a county, township, municipal corporation, port authority, or conservancy district or a park district, other similar park authority, nonprofit organization, or organization for profit that has entered into an agreement with a county, township, municipal corporation, port authority, or conservancy district to work in conjunction with that county, township, municipal corporation, port authority, or conservancy district for the purposes of sections 122.65 to 122.658 of the Revised Code.	5434 5435 5436 5437 5438 5439 5440 5441 5442
(C) "Assessment" means a phase I and phase II property assessment conducted in accordance with section 3746.04 of the Revised Code and rules adopted under that section.	5443 5444 5445
(D) "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum.	5446 5447 5448 5449
(E) "Certified professional," "hazardous substance,"	5450

"petroleum," and "release" have the same meanings as in section 5451
3746.01 of the Revised Code. 5452

(F) "Cleanup or remediation" means any action to contain, 5453
remove, or dispose of hazardous substances or petroleum at a 5454
brownfield. "Cleanup or remediation" includes the acquisition of a 5455
brownfield, demolition performed at a brownfield, and the 5456
installation or upgrade of the minimum amount of infrastructure 5457
that is necessary to make a brownfield operational for economic 5458
development activity. 5459

(G) "Distressed area" means either a municipal corporation 5460
with a population of at least fifty thousand or a county that 5461
meets any two of the following criteria: 5462

(1) Its average rate of unemployment, during the most recent 5463
five-year period for which data are available, is equal to at 5464
least one hundred twenty-five per cent of the average rate of 5465
unemployment for the United States for the same period. 5466

(2) It has a per capita income equal to or below eighty per 5467
cent of the median county per capita income of the United States 5468
as determined by the most recently available figures from the 5469
United States census bureau. 5470

(3)(a) In the case of a municipal corporation, at least 5471
twenty per cent of the residents have a total income for the most 5472
recent census year that is below the official poverty line. 5473

(b) In the case of a county, in intercensal years, the county 5474
has a ratio of transfer payment income to total county income 5475
equal to or greater than twenty-five per cent. 5476

"Distressed area" includes a municipal corporation the 5477
majority of the population of which is situated in a county that 5478
is a distressed area. 5479

(H) "Eligible area" means a distressed area, an inner city 5480

area, a labor surplus area, or a situational distress area. 5481

(I) "Inner city area" means an area in a municipal 5482
corporation that has a population of at least one hundred 5483
thousand, is not a labor surplus area, and is a targeted 5484
investment area established by the municipal corporation that is 5485
comprised of block tracts identified in the most recently 5486
available figures from the United States census bureau in which at 5487
least twenty per cent of the population in the area is at or below 5488
the official poverty line or of contiguous block tracts meeting 5489
those criteria. 5490

(J) "Institutional property" means property currently or 5491
formerly owned or controlled by the state that is or was used for 5492
a public or charitable purpose. However, "institutional property" 5493
does not mean property that is or was used for educational 5494
purposes. 5495

(K) "Integrating committee" means a district public works 5496
integrating committee established under section 164.04 of the 5497
Revised Code. 5498

(L) "Labor surplus area" means an area designated as a labor 5499
surplus area by the United States department of labor. 5500

(M) "Loan" includes credit enhancement. 5501

(N) "No further action letter" means a letter that is 5502
prepared by a certified professional when, on the basis of the 5503
best knowledge, information, and belief of the certified 5504
professional, the certified professional concludes that the 5505
cleanup or remediation of a brownfield meets the applicable 5506
cleanup standards and that contains all of the information 5507
specified in rules adopted under division ~~(B)(7)~~(B)(6) of section 5508
3746.04 of the Revised Code. 5509

(O) "Nonprofit organization" means a corporation, 5510
association, group, institution, society, or other organization 5511

that is exempt from federal income taxation under section 5512
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 5513
26 U.S.C. 501(c)(3), as amended. 5514

(P) "Property" means any parcel of real property, or portion 5515
of such a parcel, and any improvements to it. 5516

(Q) "Public health project" means the cleanup or remediation 5517
of a release or threatened release of hazardous substances or 5518
petroleum at a property where little or no economic redevelopment 5519
potential exists. 5520

(R) "Official poverty line" has the same meaning as in 5521
section 3923.51 of the Revised Code. 5522

(S) "Situational distress area" means a county or a municipal 5523
corporation that has experienced or is experiencing a closing or 5524
downsizing of a major employer that will adversely affect the 5525
county or municipal corporation's economy and that has applied to 5526
the director of development to be designated as a situational 5527
distress area for not more than thirty months by demonstrating all 5528
of the following: 5529

(1) The number of jobs lost by the closing or downsizing; 5530

(2) The impact that the job loss has on the county or 5531
municipal corporation's unemployment rate as measured by the 5532
director of job and family services; 5533

(3) The annual payroll associated with the job loss; 5534

(4) The amount of state and local taxes associated with the 5535
job loss; 5536

(5) The impact that the closing or downsizing has on 5537
suppliers located in the county or municipal corporation. 5538

Sec. 122.72. (A) There is hereby created the minority 5539
development financing advisory board to assist in carrying out the 5540

programs created pursuant to sections 122.71 to 122.83 and 122.87 5541
to 122.89 of the Revised Code. 5542

(B) The board shall consist of ten members. The director of 5543
development or the director's designee shall be a voting member on 5544
the board. Seven members shall be appointed by the governor with 5545
the advice and consent of the senate and selected because of their 5546
knowledge of and experience in industrial, business, and 5547
commercial financing, suretyship, construction, and their 5548
understanding of the problems of minority business enterprises; 5549
one member also shall be a member of the senate and appointed by 5550
the president of the senate, and one member also shall be a member 5551
of the house of representatives and appointed by the speaker of 5552
the house of representatives. With respect to the board, all of 5553
the following apply: 5554

(1) Not more than four of the members of the board appointed 5555
by the governor shall be of the same political party. 5556

(2) Each member shall hold office from the date of the 5557
member's appointment until the end of the term for which the 5558
member was appointed. 5559

(3) The terms of office for the seven members appointed by 5560
the governor shall be for seven years, commencing on the first day 5561
of October and ending on the thirtieth day of September of the 5562
seventh year, except that of the original seven members, three 5563
shall be appointed for three years and two shall be appointed for 5564
five years. 5565

(4) Any member of the board is eligible for reappointment. 5566

(5) Any member appointed to fill a vacancy occurring prior to 5567
the expiration of the term for which the member's predecessor was 5568
appointed shall hold office for the remainder of the predecessor's 5569
term. 5570

(6) Any member shall continue in office subsequent to the 5571

expiration date of the member's term until the member's successor 5572
takes office, or until a period of sixty days has elapsed, 5573
whichever occurs first. 5574

(7) Before entering upon official duties as a member of the 5575
board, each member shall take an oath as provided by Section 7 of 5576
Article XV, Ohio Constitution. 5577

(8) The governor may, at any time, remove any member 5578
appointed by the governor pursuant to section 3.04 of the Revised 5579
Code. 5580

(9) Notwithstanding section 101.26 of the Revised Code, 5581
members shall receive their necessary and actual expenses while 5582
engaged in the business of the board and shall be paid at the per 5583
diem rate of step 1 of pay range 31 of section 124.15 of the 5584
Revised Code. 5585

(10) Six members of the board constitute a quorum and the 5586
affirmative vote of six members is necessary for any action taken 5587
by the board. 5588

(11) In the event of the absence of a member appointed by the 5589
president of the senate or by the speaker of the house of 5590
representatives, either of the following persons may serve in the 5591
member's absence: 5592

(a) The president of the senate or the speaker of the house 5593
of representatives, whoever appointed the absent member; 5594

(b) A member of the senate or of the house of representatives 5595
of the same political party as the absent member, as designated by 5596
the president of the senate or the speaker of the house of 5597
representatives, whoever appointed the absent member. 5598

(12) The board shall annually elect one of its members as 5599
chairperson and another as vice-chairperson. 5600

Sec. 122.73. (A) The minority development financing advisory 5601

board and the director of development are invested with the powers 5602
and duties provided in sections 122.71 to 122.83 and 122.87 to 5603
122.89 of the Revised Code, in order to promote the welfare of the 5604
people of the state by encouraging the establishment and expansion 5605
of minority business enterprises; to stabilize the economy; to 5606
provide employment; to assist in the development within the state 5607
of industrial, commercial, distribution, and research activities 5608
required for the people of the state, and for their gainful 5609
employment; or otherwise to create or preserve jobs and employment 5610
opportunities, or improve the economic welfare of the people of 5611
the state. It is hereby determined that the accomplishment of 5612
those purposes is essential so that the people of the state may 5613
maintain their present high standards of living in comparison with 5614
the people of other states and so that opportunities for 5615
employment and for favorable markets for the products of the 5616
state's natural resources, agriculture, and manufacturing shall be 5617
improved. It further is determined that it is necessary for the 5618
state to establish the programs authorized under sections 122.71 5619
to 122.83 and 122.87 to 122.89 of the Revised Code to establish 5620
the minority development financing advisory board, and to invest 5621
it and the director of development with the powers and duties 5622
provided in those sections ~~122.71 to 122.89~~ of the Revised Code. 5623

(B) The minority development financing advisory board shall 5624
do all of the following: 5625

(1) Make recommendations to the director as to applications 5626
for assistance pursuant to sections 122.71 to 122.83 and 122.87 to 5627
122.89 of the Revised Code. The board may revise its 5628
recommendations to reflect any changes in the proposed assistance 5629
made by the director. 5630

(2) Advise the director in the administration of sections 5631
122.71 to 122.83 and 122.87 to 122.89 of the Revised Code. 5632

(3) Adopt bylaws to govern the conduct of the business of the 5633

board. 5634

Sec. 122.74. (A)(1) The director of development shall do all 5635
of the following: 5636

(a) Receive applications for assistance under sections 122.71 5637
to 122.83 and 122.87 to 122.89 of the Revised Code and 5638
applications from surety companies for bond guarantees under 5639
section 122.90 of the Revised Code, and, after processing but 5640
subject to division (A)(2) of this section, forward them to the 5641
minority development financing advisory board together with 5642
necessary supporting information; 5643

(b) Receive the recommendations of the board and make a final 5644
determination whether to approve the application for assistance; 5645

(c) Receive recommendations from a regional economic 5646
development entity for loans made under section 122.76 of the 5647
Revised Code and make a final determination, notwithstanding 5648
divisions (A)(1) and (2) of this section, whether to approve the 5649
proposed loan; 5650

(d) Transmit the director's determinations to approve 5651
assistance to the controlling board unless such assistance falls 5652
under section 122.90 of the Revised Code and has been previously 5653
approved by the controlling board, together with any information 5654
the controlling board requires for its review and decision as to 5655
whether to approve the assistance. 5656

(2) The director is not required to submit any determination, 5657
data, terms, or any other application materials or information to 5658
the minority development financing advisory board when provision 5659
of the assistance has been recommended to the director by a 5660
regional economic development entity or when an application for a 5661
surety company for bond guarantees under section 122.90 of the 5662
Revised Code has been previously approved by the controlling 5663

board. 5664

(B) The director may do all of the following: 5665

(1) Fix the rate of interest and charges to be made upon or 5666
with respect to moneys loaned or guaranteed by the director and 5667
the terms upon which mortgages and lease rentals may be guaranteed 5668
and the rates of charges to be made for them and make provisions 5669
for the operation of the funds established by the director in 5670
accordance with this section and sections 122.80, 122.88, and 5671
122.90 of the Revised Code; 5672

(2) Loan and guarantee moneys from the fund established in 5673
accordance with section 122.80 of the Revised Code pursuant to and 5674
in compliance with sections 122.71 to 122.83 and 122.87 to 122.90 5675
of the Revised Code. 5676

(3) Acquire in the name of the director any property of any 5677
kind or character in accordance with sections 122.71 to 122.83 and 5678
122.87 to 122.90 of the Revised Code, by purchase, purchase at 5679
foreclosure, or exchange on such terms and in such manner as the 5680
director considers proper; 5681

(4) Make and enter into all contracts and agreements 5682
necessary or incidental to the performance of the director's 5683
duties and the exercise of the director's powers under sections 5684
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code; 5685

(5) Maintain, protect, repair, improve, and insure any 5686
property that the director has acquired and dispose of it by sale, 5687
exchange, or lease for the consideration and on the terms and in 5688
the manner as the director considers proper, but the director 5689
shall not operate any such property as a business except as the 5690
lessor of it; 5691

(6)(a) When the cost of any contract for the maintenance, 5692
protection, repair, or improvement of any property held by the 5693
director, other than compensation for personal services, involves 5694

an expenditure of more than fifty thousand dollars, the director 5695
shall make a written contract with the lowest responsive and 5696
responsible bidder in accordance with section 9.312 of the Revised 5697
Code after advertisement for not less than two consecutive weeks 5698
in a newspaper of general circulation in the county where such 5699
contract, or some substantial part of it, is to be performed, and 5700
in such other publications as the director determines, which 5701
notice shall state the general character of the work and the 5702
general character of the materials to be furnished, the place 5703
where plans and specifications therefor may be examined, and the 5704
time and place of receiving bids. 5705

(b) Each bid for a contract for the construction, demolition, 5706
alteration, repair, or reconstruction of an improvement shall 5707
contain the full name of every person interested in it and meet 5708
the requirements of section 153.54 of the Revised Code. 5709

(c) Each bid for a contract, except as provided in division 5710
(B)(6)(b) of this section, shall contain the full name of every 5711
person interested in it and shall be accompanied by bond or 5712
certified check on a solvent bank, in such amount as the director 5713
considers sufficient, that if the bid is accepted a contract will 5714
be entered into and the performance of the proposal secured. 5715

(d) The director may reject any and all bids. 5716

(e) A bond with good and sufficient surety, approved by the 5717
director, shall be required of every contractor awarded a contract 5718
except as provided in division (B)(6)(b) of this section, in an 5719
amount equal to at least fifty per cent of the contract price, 5720
conditioned upon faithful performance of the contract. 5721

(7) Employ or contract with financial consultants, 5722
appraisers, consulting engineers, superintendents, managers, 5723
construction and accounting experts, attorneys, and other 5724
employees and agents as are necessary in the director's judgment 5725

and fix their compensation; 5726

(8) Receive and accept grants, gifts, and contributions of 5727
money, property, labor, and other things of value to be held, 5728
used, and applied only for the purpose for which the grants, 5729
gifts, and contributions are made, from individuals, private and 5730
public corporations, from the United States or any agency thereof, 5731
from the state or any agency thereof, and from any political 5732
subdivision of the state, and may agree to repay any contribution 5733
of money or to return any property contributed or the value 5734
thereof at such times, in amounts, and on terms and conditions, 5735
excluding the payment of interest, as the director determines at 5736
the time the contribution is made, and may evidence the 5737
obligations by notes, bonds, or other written instruments; 5738

(9) Establish with the treasurer of state the funds provided 5739
in sections 122.80 and 122.88 of the Revised Code in addition to 5740
such funds as the director determines are necessary or proper; 5741

(10) Adopt rules under Chapter 119. of the Revised Code 5742
necessary to implement sections 122.71 to 122.83 and 122.87 to 5743
122.90 of the Revised Code. 5744

(11) Do all acts and things necessary or proper to carry out 5745
the powers expressly granted and the duties imposed in sections 5746
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code. 5747

(C)(1) All expenses and obligations incurred by the director 5748
in carrying out the director's powers and in exercising the 5749
director's duties under sections 122.71 to 122.83 and 122.87 to 5750
122.90 of the Revised Code shall be payable solely from revenues 5751
or other receipts or income of the director, from grants, gifts, 5752
and contributions, or funds established in accordance with such 5753
sections. Such sections do not authorize the director to incur 5754
indebtedness or to impose liability on the state or any political 5755
subdivision of the state. 5756

(2) Financial statements and other data submitted to the 5757
director by any corporation, partnership, or person in connection 5758
with financial assistance provided under sections 122.71 to 122.83 5759
and 122.87 to 122.90 of the Revised Code, or any information taken 5760
from such statements or data for any purpose, shall not be open to 5761
public inspection. 5762

Sec. 122.751. The minority development financing advisory 5763
board or a regional economic development entity shall only 5764
consider an application for a loan from any applicant after a 5765
determination that the applicant is a community development 5766
corporation, or after a certification by the ~~equal employment~~ 5767
~~opportunity coordinator~~ director of the ~~department of~~ 5768
~~administrative services~~ development under division (B)(1) of 5769
section ~~123.151~~ 122.921 of the Revised Code that the applicant is 5770
a minority business enterprise, or after a certification by the 5771
minority business supplier development council that the applicant 5772
is a minority business, and that the applicant satisfies all 5773
criteria regarding eligibility for assistance pursuant to section 5774
122.76 of the Revised Code. 5775

Sec. 122.76. (A) The director of development ~~services~~, with 5776
controlling board approval, may lend funds to minority business 5777
enterprises and to community improvement corporations, Ohio 5778
development corporations, minority contractors business assistance 5779
organizations, and minority business supplier development councils 5780
for the purpose of loaning funds to minority business enterprises, 5781
for the purpose of procuring or improving real or personal 5782
property, or both, for the establishment, location, or expansion 5783
of industrial, distribution, commercial, or research facilities in 5784
the state, and for the purpose of contract financing, and to 5785
community development corporations that predominantly benefit 5786
minority business enterprises or are located in a census tract 5787

that has a population that is sixty per cent or more minority, if 5788
the director determines, in the director's sole discretion, that 5789
all of the following apply: 5790

(1) The project is economically sound and will benefit the 5791
people of the state by increasing opportunities for employment, by 5792
strengthening the economy of the state, or expanding minority 5793
business enterprises. 5794

(2) The proposed minority business enterprise borrower is 5795
unable to finance the proposed project through ordinary financial 5796
channels at comparable terms. 5797

(3) The value of the project is or, upon completion, will be 5798
at least equal to the total amount of the money expended in the 5799
procurement or improvement of the project. 5800

(4) The amount to be loaned by the director will not exceed 5801
seventy-five per cent of the total amount expended in the 5802
procurement or improvement of the project. 5803

(5) The amount to be loaned by the director will be 5804
adequately secured by a first or second mortgage upon the project 5805
or by mortgages, leases, liens, assignments, or pledges on or of 5806
other property or contracts as the director requires, and such 5807
mortgage will not be subordinate to any other liens or mortgages 5808
except the liens securing loans or investments made by financial 5809
institutions referred to in division (A)(3) of this section, and 5810
the liens securing loans previously made by any financial 5811
institution in connection with the procurement or expansion of all 5812
or part of a project. 5813

(B) Any proposed minority business enterprise borrower 5814
submitting an application for assistance under this section shall 5815
not have defaulted on a previous loan from the director, and no 5816
full or limited partner, major shareholder, or holder of an equity 5817
interest of the proposed minority business enterprise borrower 5818

shall have defaulted on a loan from the director. 5819

(C) The proposed minority business enterprise borrower shall 5820
demonstrate to the satisfaction of the director that it is able to 5821
successfully compete in the private sector if it obtains the 5822
necessary financial, technical, or managerial support and that 5823
support is available through the director, the minority business 5824
development ~~office~~ division of the department of development 5825
~~services agency~~, or other identified and acceptable sources. In 5826
determining whether a minority business enterprise borrower will 5827
be able to successfully compete, the director may give 5828
consideration to such factors as the successful completion of or 5829
participation in courses of study, recognized by the board of 5830
regents as providing financial, technical, or managerial skills 5831
related to the operation of the business, by the economically 5832
disadvantaged individual, owner, or partner, and the prior success 5833
of the individual, owner, or partner in personal, career, or 5834
business activities, as well as to other factors identified by the 5835
director. 5836

(D) The director shall not lend funds for the purpose of 5837
procuring or improving motor vehicles or accounts receivable. 5838

Sec. 122.77. (A) The director of development with controlling 5839
board approval may make loan guarantees to small businesses and 5840
corporations for the purpose of guaranteeing loans made to small 5841
businesses by financial institutions for the purpose of procuring 5842
or improving real or personal property, or both, for the 5843
establishment, location, or expansion of industrial, distribution, 5844
commercial, or research facilities in the state, if the director 5845
determines, in the director's sole discretion, that all of the 5846
following apply: 5847

(1) The project is economically sound and will benefit the 5848
people of the state by increasing opportunities for employment, by 5849

strengthening the economy of the state, or expanding minority
business enterprises. 5850
5851

(2) The proposed small business borrower is unable to finance 5852
the proposed project through ordinary financial channels at 5853
comparable terms. 5854

(3) The value of the project is, or upon completion of it 5855
will be, at least equal to the total amount of the money expended 5856
in the procurement or improvement of the project and of which 5857
amount one or more financial institutions or other governmental 5858
entities have loaned not less than thirty per cent. 5859

(4) The amount to be guaranteed by the director will not 5860
exceed eighty per cent of the total amount expended in the 5861
procurement or improvement of the project. 5862

(5) The amount to be guaranteed by the director will be 5863
adequately secured by a first or second mortgage upon the project, 5864
or by mortgages, leases, liens, assignments, or pledges on or of 5865
other property or contracts as the director shall require and that 5866
such mortgage will not be subordinate to any other liens or 5867
mortgages except the liens securing loans or investments made by 5868
financial institutions referred to in division (A)(3) of this 5869
section, and the liens securing loans previously made by any 5870
financial institution in connection with the procurement or 5871
expansion of all or part of a project. 5872

(B) The proposed small business borrower shall not have 5873
defaulted on a previous loan or guarantee from the director, and 5874
no full or limited partner, or major shareholder, or holder of any 5875
equity interest of the proposed minority business enterprise 5876
borrower shall have defaulted on a loan or guarantee from the 5877
director. 5878

(C) The proposed small business borrower shall demonstrate to 5879
the satisfaction of the director that it is able to successfully 5880

compete in the private sector if it obtains the necessary 5881
financial, technical, or managerial support and that support is 5882
available through the director, the minority business development 5883
~~office~~ division of the department of development, or other 5884
identified and acceptable sources. In determining whether a small 5885
business borrower will be able to successfully compete, the 5886
director may give consideration to such factors as the successful 5887
completion of or participation in courses of study, recognized by 5888
the board of regents as providing financial, technical, or 5889
managerial skills related to the operation of the business, by the 5890
economically disadvantaged individual, owner, or partner, and the 5891
prior success of the individual, owner, or partner in personal, 5892
career, or business activities, as well as to other factors 5893
identified by the director. 5894

(D) The director shall not guarantee funds for the purpose of 5895
procuring or improving motor vehicles or accounts receivable. 5896

Sec. 122.78. Fees, charges, rates of interest, times of 5897
payment of interest and principal, and other terms, conditions, 5898
and provisions of the loans and guarantees made by the director of 5899
development pursuant to sections 122.71 to 122.83 and 122.87 to 5900
122.90 of the Revised Code shall be such as the director 5901
determines to be appropriate and in furtherance of the purpose for 5902
which the loans and guarantees are made, but the mortgage lien 5903
securing any money loaned or guaranteed by the director may be 5904
subordinate to the mortgage lien securing any money loaned or 5905
invested by a financial institution, but shall be superior to that 5906
securing any money loaned or expended by any other corporation or 5907
person. The funds used in making these loans or guarantees shall 5908
be disbursed upon order of the director. 5909

Sec. 122.79. The exercise of the powers granted by sections 5910
122.71 to 122.83 and 122.87 to 122.90 of the Revised Code, will be 5911

in all respects for the benefit of the people of the state, for 5912
the increase of their commerce and prosperity, for the increase 5913
and expansion of minority business enterprises, and for the 5914
improvement of conditions of employment, and will constitute the 5915
performance of essential governmental functions; therefore, the 5916
director of development shall not be required to pay any taxes 5917
upon any property or assets held by the director, or upon any 5918
property acquired or used by the director under sections 122.71 to 5919
122.83 and 122.87 to 122.90 of the Revised Code, or upon the 5920
income from it, provided that this exemption shall not apply to 5921
any property held by the director while it is in the possession of 5922
a private person, partnership, or corporation and used for private 5923
purposes for profit, in which case such tax liability shall accrue 5924
to the private person, partnership, or corporation. 5925

Sec. 122.82. All moneys, funds, properties, and assets 5926
acquired by the director of development shall be held by the 5927
director in trust to carry out the director's powers and duties, 5928
shall be used as provided in sections 122.71 to 122.83 and 122.87 5929
to 122.90 of the Revised Code, and shall at no time be part of 5930
other public funds. 5931

Sec. 122.87. As used in sections 122.87 to 122.90 of the 5932
Revised Code: 5933

(A) "Surety company" means a company that is authorized by 5934
the department of insurance to issue bonds as surety. 5935

(B) "Minority business" means any of the following 5936
occupations: 5937

(1) Minority construction contractor; 5938

(2) Minority seller; 5939

(3) Minority service vendor. 5940

(C) "Minority construction contractor" means a person who is 5941
both a construction contractor and an owner of a minority business 5942
enterprise certified under division (B) of section ~~123.151~~ 122.921 5943
of the Revised Code. 5944

(D) "Minority seller" means a person who is both a seller of 5945
goods and an owner of a minority business enterprise listed on the 5946
special minority business enterprise bid notification list under 5947
section 125.08 of the Revised Code. 5948

(E) "Minority service vendor" means a person who is both a 5949
vendor of services and an owner of a minority business enterprise 5950
listed on the special minority business enterprise bid 5951
notification list under section 125.08 of the Revised Code. 5952

(F) "Minority business enterprise" has the meaning given in 5953
section 122.71 of the Revised Code. 5954

(G) "EDGE business enterprise" means a sole proprietorship, 5955
association, partnership, corporation, limited liability 5956
corporation, or joint venture certified as a participant in the 5957
encouraging diversity, growth, and equity program by the director 5958
of administrative services under section ~~123.152~~ 122.922 of the 5959
Revised Code. 5960

Sec. 122.89. (A) The director of development ~~services~~ may 5961
execute bonds as surety for minority businesses as principals, on 5962
contracts with the state, any political subdivision or 5963
instrumentality thereof, or any person as the obligee. The 5964
director as surety may exercise all the rights and powers of a 5965
company authorized by the department of insurance to execute bonds 5966
as surety but shall not be subject to any requirements of a surety 5967
company under Title XXXIX of the Revised Code nor to any rules of 5968
the department of insurance. 5969

(B) The director, with the advice of the minority development 5970

financing advisory board, shall adopt rules under Chapter 119. of 5971
the Revised Code establishing procedures for application for 5972
surety bonds by minority businesses and for review and approval of 5973
applications. The board shall review each application in 5974
accordance with the rules and, based on the bond worthiness of 5975
each applicant, shall refer all qualified applicants to the 5976
director. Based on the recommendation of the board, the director 5977
shall determine whether or not the applicant shall receive 5978
bonding. 5979

(C) The rules of the board shall require the minority 5980
business to pay a premium in advance for the bond to be 5981
established by the director, with the advice of the board after 5982
the director receives advice from the superintendent of insurance 5983
regarding the standard market rates for premiums for similar 5984
bonds. All premiums paid by minority businesses shall be paid into 5985
the minority business bonding program administrative and loss 5986
reserve fund. 5987

(D) The rules of the board shall provide for a retainage of 5988
money paid to the minority business or EDGE business enterprise of 5989
fifteen per cent for a contract valued at more than fifty thousand 5990
dollars and for a retainage of twelve per cent for a contract 5991
valued at fifty thousand dollars or less. 5992

(E) The penal sum amounts of all outstanding bonds issued by 5993
the director shall not exceed the amount of moneys in the minority 5994
business bonding fund and available to the fund under division (B) 5995
of section 169.05 of the Revised Code. 5996

(F) The superintendent of insurance shall provide such 5997
technical and professional assistance as is considered necessary 5998
by the director, including providing advice regarding the standard 5999
market rates for bond premiums as described under division (C) of 6000
this section. 6001

(G) Notwithstanding any provision of the Revised Code to the contrary, a minority business or EDGE business enterprise may bid or enter into a contract with the state or with any instrumentality of the state without being required to provide a bond as follows:

(1) For the first contract that a minority business or EDGE business enterprise enters into with the state or with any particular instrumentality of the state, the minority business or EDGE business enterprise may bid or enter into a contract valued at twenty-five thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(2) After the state or any particular instrumentality of the state has accepted the first contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a second contract with the state or with that particular instrumentality of the state valued at fifty thousand dollars or less without being required to provide a bond, but only if the minority business or EDGE business enterprise is participating in a qualified contractor assistance program or has successfully completed a qualified contractor assistance program after October 16, 2009;

(3) After the state or any particular instrumentality of the state has accepted the second contract as completed and all subcontractors and suppliers on the contract have been paid, the minority business or EDGE business enterprise may bid or enter into a third contract with the state or with that particular instrumentality of the state valued at one hundred thousand dollars or less without being required to provide a bond, but only

if the minority business or EDGE business enterprise has 6034
successfully completed a qualified contractor assistance program 6035
after October 16, 2009; 6036

(4) After the state or any particular instrumentality of the 6037
state has accepted the third contract as completed and all 6038
subcontractors and suppliers on the contract have been paid, the 6039
minority business or EDGE business enterprise may bid or enter 6040
into a fourth contract with the state or with that particular 6041
instrumentality of the state valued at three hundred thousand 6042
dollars or less without being required to provide a bond, but only 6043
if the minority business or EDGE business enterprise has 6044
successfully completed a qualified contractor assistance program 6045
after October 16, 2009; 6046

(5) After the state or any instrumentality of the state has 6047
accepted the fourth contract as completed and all subcontractors 6048
and suppliers on the contract have been paid, upon a showing that 6049
with respect to a contract valued at four hundred thousand dollars 6050
or less with the state or with any particular instrumentality of 6051
the state, that the minority business or EDGE business enterprise 6052
either has been denied a bond by two surety companies or that the 6053
minority business or EDGE business enterprise has applied to two 6054
surety companies for a bond and, at the expiration of sixty days 6055
after making the application, has neither received nor been denied 6056
a bond, the minority business or EDGE business enterprise may 6057
repeat its participation in the unbonded state contractor program. 6058
Under no circumstances shall a minority business or EDGE business 6059
enterprise be permitted to participate in the unbonded state 6060
contractor program more than twice. 6061

(H) Notwithstanding any provision of the Revised Code to the 6062
contrary, a minority business or EDGE business enterprise may bid 6063
or enter into a contract with any political subdivision of the 6064
state or with any instrumentality of a political subdivision 6065

without being required to provide a bond as follows: 6066

(1) For the first contract that the minority business or EDGE 6067
business enterprise enters into with any particular political 6068
subdivision of the state or with any particular instrumentality of 6069
a political subdivision, the minority business or EDGE business 6070
enterprise may bid or enter into a contract valued at twenty-five 6071
thousand dollars or less without being required to provide a bond, 6072
but only if the minority business or EDGE business enterprise is 6073
participating in a qualified contractor assistance program or has 6074
successfully completed a qualified contractor assistance program 6075
after October 16, 2009; 6076

(2) After any political subdivision of the state or any 6077
instrumentality of a political subdivision has accepted the first 6078
contract as completed and all subcontractors and suppliers on the 6079
contract have been paid, the minority business or EDGE business 6080
enterprise may bid or enter into a second contract with that 6081
particular political subdivision of the state or with that 6082
particular instrumentality of a political subdivision valued at 6083
fifty thousand dollars or less without being required to provide a 6084
bond, but only if the minority business or EDGE business 6085
enterprise is participating in a qualified contractor assistance 6086
program or has successfully completed a qualified contractor 6087
assistance program after October 16, 2009; 6088

(3) After any political subdivision of the state or any 6089
instrumentality of a political subdivision has accepted the second 6090
contract as completed and all subcontractors and suppliers on the 6091
contract have been paid, the minority business or EDGE business 6092
enterprise may bid or enter into a third contract with that 6093
particular political subdivision of the state or with that 6094
particular instrumentality of a political subdivision valued at 6095
one hundred thousand dollars or less without being required to 6096
provide a bond, but only if the minority business or EDGE business 6097

enterprise has successfully completed a qualified contractor 6098
assistance program after October 16, 2009; 6099

(4) After any political subdivision of the state or any 6100
instrumentality of a political subdivision has accepted the third 6101
contract as completed and all subcontractors and suppliers on the 6102
contract have been paid, the minority business or EDGE business 6103
enterprise may bid or enter into a fourth contract with that 6104
particular political subdivision of the state or with that 6105
particular instrumentality of a political subdivision valued at 6106
two hundred thousand dollars or less without being required to 6107
provide a bond, but only if the minority business or EDGE business 6108
enterprise has successfully completed a qualified contractor 6109
assistance program after October 16, 2009; 6110

(5) After any political subdivision of the state or any 6111
instrumentality of a political subdivision has accepted the fourth 6112
contract as completed and all subcontractors and suppliers on the 6113
contract have been paid, upon a showing that with respect to a 6114
contract valued at three hundred thousand dollars or less with any 6115
political subdivision of the state or any instrumentality of a 6116
political subdivision, that the minority business or EDGE business 6117
enterprise either has been denied a bond by two surety companies 6118
or that the minority business or EDGE business enterprise has 6119
applied to two surety companies for a bond and, at the expiration 6120
of sixty days after making the application, has neither received 6121
nor been denied a bond, the minority business or EDGE business 6122
enterprise may repeat its participation in the unbonded political 6123
subdivision contractor program. Under no circumstances shall a 6124
minority business or EDGE business enterprise be permitted to 6125
participate in the unbonded political subdivision contractor 6126
program more than twice. 6127

(I) Notwithstanding any provision of the Revised Code to the 6128
contrary, if a minority business or EDGE business enterprise has 6129

entered into two or more contracts with the state or with any 6130
instrumentality of the state, the minority business or EDGE 6131
business enterprise may bid or enter into a contract with a 6132
political subdivision of the state or with any instrumentality of 6133
a political subdivision valued at the level at which the minority 6134
business or EDGE business enterprise would qualify if entering 6135
into an additional contract with the state. 6136

(J) The director of development ~~services~~ shall coordinate and 6137
oversee the unbonded state contractor program described in 6138
division (G) of this section, the unbonded political subdivision 6139
contractor program described in division (H) of this section, and 6140
the approval of a qualified contractor assistance program. The 6141
director shall prepare an annual report and submit it to the 6142
governor and the general assembly on or before the first day of 6143
August that includes the following: information on the director's 6144
activities for the preceding calendar year regarding the unbonded 6145
state contractor program, the unbonded political subdivision 6146
contractor program, and the qualified contractor assistance 6147
program; a summary and description of the operations and 6148
activities of these programs; an assessment of the achievements of 6149
these programs; and a recommendation as to whether these programs 6150
need to continue. 6151

(K) As used in this section: 6152

(1) "EDGE business enterprise" means an EDGE business 6153
enterprise certified under section ~~123.152~~ 122.922 of the Revised 6154
Code. 6155

(2) "Qualified contractor assistance program" means an 6156
educational program or technical assistance program for business 6157
development that is designed to assist a minority business or EDGE 6158
business enterprise in becoming eligible for bonding and has been 6159
approved by the director of development ~~services~~ for use as 6160
required under this section. 6161

(3) "Successfully completed a qualified contractor assistance program" means the minority business or EDGE business enterprise completed such a program on or after October 16, 2009.

(4) "Unbonded state contractor program" means the program described in division (G) of this section.

(5) "Unbonded political subdivision contractor program" means the program described in division (H) of this section.

Sec. 122.90. (A) The director of development may guarantee bonds executed by sureties for minority businesses and EDGE business enterprises certified under section ~~123.152~~ 122.922 of the Revised Code as principals on contracts with the state, any political subdivision or instrumentality, or any person as the obligee. The director, as guarantor, may exercise all the rights and powers of a company authorized by the department of insurance to guarantee bonds under Chapter 3929. of the Revised Code but otherwise is not subject to any laws related to a guaranty company under Title XXXIX of the Revised Code nor to any rules of the department of insurance.

(B) The director shall adopt rules under Chapter 119. of the Revised Code to establish procedures for the application for bond guarantees and the review and approval of applications for bond guarantees submitted by sureties that execute bonds eligible for guarantees under division (A) of this section.

(C) In accordance with rules adopted pursuant to this section, the director may guarantee up to ninety per cent of the loss incurred and paid by sureties on bonds guaranteed under division (A) of this section.

(D) The penal sum amounts of all outstanding guarantees made by the director under this section shall not exceed three times the difference between the amount of moneys in the minority

business bonding fund and available to the fund under division (B) 6192
of section 169.05 of the Revised Code and the amount of all 6193
outstanding bonds issued by the director in accordance with 6194
division (A) of section 122.89 of the Revised Code. 6195

(E) The director of development, with controlling board 6196
approval, may approve one application per fiscal year from each 6197
surety bond company for bond guarantees in an amount requested to 6198
support one fiscal year of that company's activity under this 6199
section. A surety bond company that applies for a bond guarantee 6200
under this division, whether or not the guarantee is approved, is 6201
not restricted from also applying for individual bond guarantees 6202
under division (A) of this section. 6203

Sec. 122.92. There is hereby created in the department of 6204
development a minority business development division. The division 6205
shall do all of the following: 6206

(A) Provide technical, managerial, and counseling services 6207
and assistance to minority business enterprises; 6208

(B) Provide procurement and bid packaging assistance to 6209
minority business enterprises; 6210

(C) Provide bonding technical assistance to minority business 6211
enterprises; 6212

(D) Participate with other state departments and agencies as 6213
appropriate in developing specific plans and specific program 6214
goals for programs to assist in the establishment and development 6215
of minority business enterprises and establish regular performance 6216
monitoring and reporting systems to ensure that those goals are 6217
being achieved; 6218

(E) Implement state law and policy supporting minority 6219
business enterprise development, and assist in the coordination of 6220
plans, programs, and operations of state government which affect 6221

or may contribute to the establishment, preservation, and 6222
strengthening of minority business enterprises; 6223

(F) Assist in the coordination of activities and resources of 6224
state agencies and local governments, business and trade 6225
associations, universities, foundations, professional 6226
organizations, and volunteer and other groups, to promote the 6227
growth of minority business enterprises; 6228

(G) Establish a center for the development, collection, and 6229
dissemination of information that will be helpful to persons in 6230
establishing or expanding minority business enterprises in this 6231
state; 6232

(H) Design, implement, and assist in experimental and 6233
demonstration projects designed to overcome the special problems 6234
of minority business enterprises; 6235

(I) Coordinate reviews of all proposed state training and 6236
technical assistance activities in direct support of minority 6237
business enterprise programs to ensure consistency with program 6238
goals and to preclude duplication of efforts by other state 6239
agencies; 6240

(J) Recommend appropriate legislative or executive actions to 6241
enhance minority business enterprise opportunities in the state; 6242

(K) Assist minority business enterprises in obtaining 6243
governmental or commercial financing for business expansion, 6244
establishment of new businesses, or industrial development 6245
projects; 6246

(L) Assist minority business enterprises in contract 6247
procurement from government and commercial sources; 6248

(M) Establish procedures to identify groups who have been 6249
disadvantaged because of racial, cultural, or ethnic circumstances 6250
without regard to the individual qualities of the members of the 6251

group; 6252

(N) Establish procedures to identify persons who have been 6253
economically disadvantaged; 6254

(O) Provide grant assistance to nonprofit entities that 6255
promote economic development, development corporations, community 6256
improvement corporations, and incubator business entities, if the 6257
entities or corporations focus on business, technical, and 6258
financial assistance to minority business enterprises to assist 6259
the enterprises with fixed asset financing; 6260

(P) Implement the minority business enterprise program 6261
described in section 122.921 of the Revised Code, the encouraging 6262
diversity, growth, and equity program described in section 122.922 6263
of the Revised Code, the women-owned business enterprise program 6264
described in section 122.924 of the Revised Code, and the 6265
veteran-friendly business enterprise program described in section 6266
122.925 of the Revised Code. 6267

(Q) Do all acts and things necessary or proper to carry out 6268
the powers expressly granted and duties imposed by sections 122.92 6269
to 122.94 of the Revised Code. 6270

~~Sec. 123.151.~~ Sec. 122.921. (A) As used in this section, 6271
"minority business enterprise" has the same meaning as in division 6272
(E)(1) of section 122.71 of the Revised Code. 6273

(B)(1) The director of ~~administrative services~~ development 6274
shall make rules in accordance with Chapter 119. of the Revised 6275
Code establishing procedures by which minority businesses may 6276
apply to the ~~equal employment opportunity coordinator~~ department 6277
of development for certification as minority business enterprises. 6278

(2) The ~~coordinator~~ director shall approve the application of 6279
any minority business enterprise that complies with the rules 6280
adopted under this division. Any person adversely affected by an 6281

order of the ~~coordinator~~ director denying certification as a 6282
minority business enterprise may appeal as provided in Chapter 6283
119. of the Revised Code. The ~~coordinator~~ director shall prepare 6284
and maintain a list of certified minority business enterprises. 6285

(C) ~~The department of administrative services, every other~~ 6286
Every state agency authorized to enter into contracts for 6287
construction or contracts for purchases of equipment, materials, 6288
supplies, insurance, or services, and every port authority shall 6289
file a report every ninety days with the ~~equal employment~~ 6290
~~opportunity coordinator~~ department of development. The report 6291
shall be filed at a time and in a form prescribed by the 6292
~~coordinator~~ director of development. The report shall include the 6293
name of each minority business enterprise that the state agency or 6294
port authority entered into a contract with during the preceding 6295
ninety-day period and the total value and type of each such 6296
contract. No later than thirty days after the end of each fiscal 6297
year, the ~~coordinator~~ director shall notify in writing each state 6298
agency and port authority that has not complied with the reporting 6299
requirements of this division for the prior fiscal year. A copy of 6300
this notification regarding a state agency shall be submitted to 6301
the director of budget and management. No later than thirty days 6302
after the notification, the state agency or port authority shall 6303
submit to the ~~coordinator~~ director the information necessary to 6304
comply with the reporting requirements of this division. 6305

If, after the expiration of this thirty-day period, a state 6306
agency has not complied with the reporting requirements of this 6307
division, the ~~coordinator~~ director of development shall certify to 6308
the director of budget and management that the state agency has 6309
not complied with the reporting requirements. A copy of this 6310
certification shall be submitted to the state agency. Thereafter, 6311
no funds of the state agency shall be expended during the fiscal 6312
year for construction or purchases of equipment, materials, 6313

supplies, contracts of insurance, or services until the 6314
~~coordinator~~ director of development certifies to the director of 6315
budget and management that the state agency has complied with the 6316
reporting requirements of this division for the prior fiscal year. 6317

If any port authority has not complied with the reporting 6318
requirement after the expiration of the thirty-day period, the 6319
~~coordinator~~ director of development shall certify to the speaker 6320
of the house of representatives and the president of the senate 6321
that the port authority has not complied with the reporting 6322
requirements of this division. A copy of this certification shall 6323
be submitted to the port authority. Upon receipt of the 6324
certification, the speaker of the house of representatives and the 6325
president of the senate shall take such action or make such 6326
recommendations to the members of the general assembly as they 6327
consider necessary to correct the situation. 6328

~~Sec. 123.152.~~ Sec. 122.922. (A) As used in this section, 6329
"EDGE business enterprise" means a sole proprietorship, 6330
association, partnership, corporation, limited liability 6331
corporation, or joint venture certified as a participant in the 6332
encouraging diversity, growth, and equity program by the director 6333
of ~~administrative services~~ development under this section of the 6334
Revised Code. 6335

(B) The director of ~~administrative services~~ development shall 6336
establish a business assistance program known as the encouraging 6337
diversity, growth, and equity program and shall adopt rules in 6338
accordance with Chapter 119. of the Revised Code to administer the 6339
program that do all of the following: 6340

(1) Establish procedures by which a sole proprietorship, 6341
association, partnership, corporation, limited liability 6342
corporation, or joint venture may apply for certification as an 6343
EDGE business enterprise; 6344

(2) Except as provided in division (B)(14) of this section, 6345
establish agency procurement goals for contracting with EDGE 6346
business enterprises in the award of contracts under Chapters 6347
123., 125., and 153. of the Revised Code based on the availability 6348
of eligible program participants by region or geographic area, as 6349
determined by the director, and by standard industrial code or 6350
equivalent code classification. 6351

(a) Goals established under division (B)(2) of this section 6352
shall be based on a percentage level of participation and a 6353
percentage of contractor availability. 6354

(b) Goals established under division (B)(2) of this section 6355
shall be applied at the contract level, relative to an overall 6356
dollar goal for each state agency, in accordance with the 6357
following certification categories: construction, architecture, 6358
and engineering; professional services; goods and services; and 6359
information technology services. 6360

(3) Establish a system of certifying EDGE business 6361
enterprises based on a requirement that the business owner or 6362
owners show both social and economic disadvantage based on the 6363
following, as determined to be sufficient by the director: 6364

(a) Relative wealth of the business seeking certification as 6365
well as the personal wealth of the owner or owners of the 6366
business; 6367

(b) Social disadvantage based on any of the following: 6368

(i) A rebuttable presumption when the business owner or 6369
owners demonstrate membership in a racial minority group or show 6370
personal disadvantage due to color, ethnic origin, gender, 6371
physical disability, long-term residence in an environment 6372
isolated from the mainstream of American society, location in an 6373
area of high unemployment; 6374

(ii) Some other demonstration of personal disadvantage not 6375

common to other small businesses;	6376
(iii) By business location in a qualified census tract.	6377
(c) Economic disadvantage based on economic and business size thresholds and eligibility criteria designed to stimulate economic development through contract awards to businesses located in qualified census tracts.	6378 6379 6380 6381
(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise certification;	6382 6383 6384
(5) Develop a process for evaluating and adjusting goals established by this section to determine what adjustments are necessary to achieve participation goals established by the director;	6385 6386 6387 6388
(6) Establish a point system or comparable system to evaluate bid proposals to encourage EDGE business enterprises to participate in the procurement of professional design and information technology services;	6389 6390 6391 6392
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	6393 6394 6395
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	6396 6397
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	6398 6399 6400
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	6401 6402 6403
(11) Implement a system of self-reporting by EDGE business enterprises as well as an on-site inspection process to validate	6404 6405

the qualifications of an EDGE business enterprise; 6406

(12) Establish a waiver mechanism to waive program goals or 6407
participation requirements for those companies that, despite their 6408
best-documented efforts, are unable to contract with certified 6409
EDGE business enterprises; 6410

(13) Establish a process for monitoring overall program 6411
compliance in which equal employment opportunity officers 6412
primarily are responsible for monitoring their respective 6413
agencies; 6414

(14) Establish guidelines for state universities as defined 6415
in section 3345.011 of the Revised Code and the Ohio facilities 6416
construction commission created in section 123.20 of the Revised 6417
Code for awarding contracts pursuant to Chapters 153., 3318., and 6418
3345. of the Revised Code to allow the universities and commission 6419
to establish agency procurement goals for contracting with EDGE 6420
business enterprises. 6421

(C) Business and personal financial information and trade 6422
secrets submitted by encouraging diversity, growth, and equity 6423
program applicants to the director pursuant to this section are 6424
not public records for purposes of section 149.43 of the Revised 6425
Code, unless the director presents the financial information or 6426
trade secrets at a public hearing or public proceeding regarding 6427
the applicant's eligibility to participate in the program. 6428

~~Sec. 123.153.~~ Sec. 122.923. (A) As used in this section: 6429

(1) "Minority business enterprise" has the same meaning as in 6430
section ~~123.151~~ 122.921 of the Revised Code. 6431

(2) "EDGE business enterprise" has the same meaning as in 6432
section ~~123.152~~ 122.922 of the Revised Code. 6433

(3) "Women-owned business enterprise" has the same meaning as 6434
in section ~~123.154~~ 122.924 of the Revised Code. 6435

"Veteran-friendly business enterprise" has the same meaning 6436
as in section 122.925 of the Revised Code. 6437

(B) Not later than the first day of October in each year, the 6438
director of ~~administrative services~~ development shall submit a 6439
written report to the governor and to each member of the general 6440
assembly describing the progress made by state agencies in 6441
advancing the minority business enterprise program, the 6442
encouraging diversity, growth, and equity program, ~~and~~ the 6443
women-owned business enterprise program, and the veteran-friendly 6444
business enterprise program. The report shall highlight the 6445
initiatives implemented to encourage participation of 6446
minority-owned, socially and economically disadvantaged, ~~and~~ 6447
women-owned businesses, and veteran-friendly businesses in 6448
programs funded by state money or federal money received by the 6449
state. The report shall also include the total number of 6450
procurement contracts each agency has entered into with certified 6451
minority business enterprises, EDGE business enterprises, ~~and~~ 6452
women-owned business enterprises, and veteran-friendly business 6453
enterprises. 6454

~~Sec. 123.154.~~ Sec. 122.924. (A) As used in this section: 6455

"Women-owned business enterprise" means any individual, 6456
partnership, corporation, or joint venture of any kind that is 6457
owned and controlled by women who are United States citizens and 6458
residents of this state or of a reciprocal state. 6459

"Owned and controlled" means that at least fifty-one per cent 6460
of the business, including corporate stock if it is a corporation, 6461
is owned by women and that such owners have control over the 6462
day-to-day operations of the business and an interest in the 6463
capital, assets, and profits and losses of the business 6464
proportionate to their percentage of ownership. In order to 6465
qualify as a women-owned business, a business shall have been 6466

owned by such owners at least one year. 6467

(B) The director of ~~administrative services~~development shall 6468
establish a business assistance program known as the women-owned 6469
business enterprise program and shall adopt rules in accordance 6470
with Chapter 119. of the Revised Code to administer the program 6471
that do all of the following: 6472

(1) Establish procedures by which a business enterprise may 6473
apply for certification as a women-owned business enterprise; 6474

(2) Establish standards to determine when a women-owned 6475
business enterprise no longer qualifies for women-owned business 6476
enterprise certification; 6477

(3) Establish a system to make publicly available a list of 6478
women-owned business enterprises certified under this section; 6479

(4) Establish a process to mediate complaints and to review 6480
women-owned business enterprise certification appeals; 6481

(5) Implement an outreach program to educate potential 6482
participants about the women-owned business enterprise program; 6483

(6) Establish a system to assist state agencies in 6484
identifying and utilizing women-owned business enterprises in 6485
their contracting processes; 6486

(7) Implement a system of self-reporting by women-owned 6487
business enterprises as well as an on-site inspection process to 6488
validate the qualifications of women-owned business enterprises. 6489

(C) Business and personal financial information and trade 6490
secrets submitted by women-owned business enterprise applicants to 6491
the director pursuant to this section are not public records for 6492
purposes of section 149.43 of the Revised Code, unless the 6493
director presents the financial information or trade secrets at a 6494
public hearing or public proceeding regarding the applicant's 6495
eligibility to participate in the program. 6496

(D) The director of ~~administrative services~~ development, upon 6497
approval of the attorney general, may enter into a reciprocal 6498
agreement with the appropriate officials of one or more states, 6499
when the other state has a business assistance program or programs 6500
substantially similar to the women-owned business enterprise 6501
program of this state. The agreement shall provide that a business 6502
certified by the other state as a women-owned business enterprise, 6503
which is owned and controlled by a resident or residents of that 6504
other state, shall be considered a women-owned business enterprise 6505
in this state under this section. The agreement shall provide that 6506
a women-owned business enterprise certified under this section, 6507
which is owned and controlled by a resident or residents of this 6508
state, shall be considered certified in the other state and 6509
eligible for programs of that state that provide an advantage or 6510
benefit to such businesses. 6511

~~Sec. 9.318.~~ Sec. 122.925. (A) As used in this section: 6512

"Armed forces" means the armed forces of the United States, 6513
including the army, navy, air force, marine corps, coast guard, or 6514
any reserve component of those forces; the national guard of any 6515
state; the commissioned corps of the United States public health 6516
service; the merchant marine service during wartime; such other 6517
service as may be designated by congress; and the Ohio organized 6518
militia when engaged in full-time national guard duty for a period 6519
of more than thirty days. 6520

"State agency" has the meaning defined in section 1.60 of the 6521
Revised Code. 6522

"Veteran" means any person who has completed service in the 6523
armed forces, including the national guard of any state, or a 6524
reserve component of the armed forces, who has been honorably 6525
discharged or discharged under honorable conditions from the armed 6526
forces or who has been transferred to the reserve with evidence of 6527

satisfactory service. 6528

"Veteran-friendly business enterprise" means a sole 6529
proprietorship, association, partnership, corporation, limited 6530
liability company, or joint venture that meets veteran employment 6531
standards established by the director of ~~administrative~~ 6532
~~services~~development and the director of transportation under this 6533
section. 6534

(B) The director of ~~administrative services~~development and 6535
the director of transportation shall establish and maintain the 6536
veteran-friendly business procurement program. The director of 6537
~~administrative services~~development shall adopt rules to administer 6538
the program for all state agencies except the department of 6539
transportation, and the director of transportation shall adopt 6540
rules to administer the program for the department of 6541
transportation. The rules shall be adopted under Chapter 119. of 6542
the Revised Code. The rules, as adopted separately by but with the 6543
greatest degree of consistency possible between the two directors, 6544
shall do all of the following: 6545

(1) Establish criteria, based on the percentage of an 6546
applicant's employees who are veterans, that qualifies an 6547
applicant for certification as a veteran-friendly business 6548
enterprise; 6549

(2) Establish procedures by which a sole proprietorship, 6550
association, partnership, corporation, limited liability company, 6551
or joint venture may apply for certification as a veteran-friendly 6552
business enterprise; 6553

(3) Establish procedures for certifying a sole 6554
proprietorship, association, partnership, corporation, limited 6555
liability company, or joint venture as a veteran-friendly business 6556
enterprise; 6557

(4) Establish standards for determining when a 6558

veteran-friendly business enterprise no longer qualifies for 6559
certification as a veteran-friendly business enterprise; 6560

(5) Establish procedures, to be used by state agencies or the 6561
department of transportation, for the evaluation and ranking of 6562
proposals, which provide preference or bonus points to each 6563
certified veteran-friendly business enterprise that submits a bid 6564
or other proposal for a contract with the state or an agency of 6565
the state other than the department of transportation, or with the 6566
department of transportation, for the rendering of services, or 6567
the supplying of materials, or for the construction, demolition, 6568
alteration, repair, or reconstruction of any public building, 6569
structure, highway, or other improvement; 6570

(6) Implement an outreach program to educate potential 6571
participants about the veteran-friendly business procurement 6572
program; and 6573

(7) Establish a process for monitoring overall performance of 6574
the veteran-friendly business procurement program. 6575

Sec. 123.01. (A) The department of administrative services, 6576
in addition to those powers enumerated in Chapters 124. and 125. 6577
of the Revised Code and provided elsewhere by law, shall exercise 6578
the following powers: 6579

(1) To prepare and suggest comprehensive plans for the 6580
development of grounds and buildings under the control of a state 6581
agency; 6582

(2) To acquire, by purchase, gift, devise, lease, or grant, 6583
all real estate required by a state agency, in the exercise of 6584
which power the department may exercise the power of eminent 6585
domain, in the manner provided by sections 163.01 to 163.22 of the 6586
Revised Code; 6587

(3) To erect, supervise, and maintain all public monuments 6588

and memorials erected by the state, except where the supervision 6589
and maintenance is otherwise provided by law; 6590

(4) To procure, by lease, storage accommodations for a state 6591
agency; 6592

(5) To lease or grant easements or licenses for unproductive 6593
and unused lands or other property under the control of a state 6594
agency. Such leases, easements, or licenses may be granted to any 6595
person or entity, shall be for a period not to exceed fifteen 6596
years, unless a longer period is authorized by division (A)(5) of 6597
this section, and shall be executed for the state by the director 6598
of administrative services, ~~provided that the~~. The director shall 6599
grant leases, easements, or licenses of university land for 6600
periods not to exceed twenty-five years for purposes approved by 6601
the respective university's board of trustees wherein the uses are 6602
compatible with the uses and needs of the university and may grant 6603
leases of university land for periods not to exceed forty years 6604
for purposes approved by the respective university's board of 6605
trustees pursuant to section 123.17 of the Revised Code. The 6606
director may grant perpetual easements to public utilities, as 6607
defined in section 4905.02 of the Revised Code or described in 6608
section 4905.03 of the Revised Code. 6609

(6) To lease space for the use of a state agency; 6610

(7) To have general supervision and care of the storerooms, 6611
offices, and buildings leased for the use of a state agency; 6612

(8) To exercise general custodial care of all real property 6613
of the state; 6614

(9) To assign and group together state offices in any city in 6615
the state and to establish, in cooperation with the state agencies 6616
involved, rules governing space requirements for office or storage 6617
use; 6618

(10) To lease for a period not to exceed forty years, 6619

pursuant to a contract providing for the construction thereof 6620
under a lease-purchase plan, buildings, structures, and other 6621
improvements for any public purpose, and, in conjunction 6622
therewith, to grant leases, easements, or licenses for lands under 6623
the control of a state agency for a period not to exceed forty 6624
years. The lease-purchase plan shall provide that at the end of 6625
the lease period, the buildings, structures, and related 6626
improvements, together with the land on which they are situated, 6627
shall become the property of the state without cost. 6628

(a) Whenever any building, structure, or other improvement is 6629
to be so leased by a state agency, the department shall retain 6630
either basic plans, specifications, bills of materials, and 6631
estimates of cost with sufficient detail to afford bidders all 6632
needed information or, alternatively, all of the following plans, 6633
details, bills of materials, and specifications: 6634

(i) Full and accurate plans suitable for the use of mechanics 6635
and other builders in the improvement; 6636

(ii) Details to scale and full sized, so drawn and 6637
represented as to be easily understood; 6638

(iii) Accurate bills showing the exact quantity of different 6639
kinds of material necessary to the construction; 6640

(iv) Definite and complete specifications of the work to be 6641
performed, together with such directions as will enable a 6642
competent mechanic or other builder to carry them out and afford 6643
bidders all needed information; 6644

(v) A full and accurate estimate of each item of expense and 6645
of the aggregate cost thereof. 6646

(b) The department shall give public notice, in such 6647
newspaper, in such form, and with such phraseology as the director 6648
of administrative services prescribes, published once each week 6649
for four consecutive weeks, of the time when and place where bids 6650

will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any builder shall comply with Chapter 153. of the Revised Code.

(c) On the day and at the place named for receiving bids for entering into lease agreements with a state agency, the director of administrative services shall open the bids and shall publicly proceed immediately to tabulate the bids upon duplicate sheets. No lease agreement shall be entered into until the bureau of workers' compensation has certified that the person to be awarded the lease agreement has complied with Chapter 4123. of the Revised Code, until, if the builder submitting the lowest and best bid is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, until, if the builder submitting the lowest and best bid is a person nonresident of this state, the person has filed with the secretary of state a power of attorney designating the secretary of state as its agent for the purpose of accepting service of summons in any action brought under Chapter 4123. of the Revised Code, and until the agreement is submitted to the attorney general and the attorney general's approval is certified thereon. Within thirty days after the day on which the bids are received, the department shall investigate the bids received and shall determine that the bureau and the secretary of state have made the certifications required by this section of the builder who has submitted the lowest and best bid. Within ten days of the completion of the investigation of the bids, the department shall award the lease

agreement to the builder who has submitted the lowest and best bid 6684
and who has been certified by the bureau and secretary of state as 6685
required by this section. If bidding for the lease agreement has 6686
been conducted upon the basis of basic plans, specifications, 6687
bills of materials, and estimates of costs, upon the award to the 6688
builder the department, or the builder with the approval of the 6689
department, shall appoint an architect or engineer licensed in 6690
this state to prepare such further detailed plans, specifications, 6691
and bills of materials as are required to construct the building, 6692
structure, or improvement. The department shall adopt such rules 6693
as are necessary to give effect to this section. The department 6694
may reject any bid. Where there is reason to believe there is 6695
collusion or combination among bidders, the bids of those 6696
concerned therein shall be rejected. 6697

(11) To acquire by purchase, gift, devise, or grant and to 6698
transfer, lease, or otherwise dispose of all real property 6699
required to assist in the development of a conversion facility as 6700
defined in section 5709.30 of the Revised Code as that section 6701
existed before its repeal by Amended Substitute House Bill 95 of 6702
the 125th general assembly; 6703

(12) To lease for a period not to exceed forty years, 6704
notwithstanding any other division of this section, the 6705
state-owned property located at 408-450 East Town Street, 6706
Columbus, Ohio, formerly the state school for the deaf, to a 6707
developer in accordance with this section. "Developer," as used in 6708
this section, has the same meaning as in section 123.77 of the 6709
Revised Code. 6710

Such a lease shall be for the purpose of development of the 6711
land for use by senior citizens by constructing, altering, 6712
renovating, repairing, expanding, and improving the site as it 6713
existed on June 25, 1982. A developer desiring to lease the land 6714
shall prepare for submission to the department a plan for 6715

development. Plans shall include provisions for roads, sewers, 6716
water lines, waste disposal, water supply, and similar matters to 6717
meet the requirements of state and local laws. The plans shall 6718
also include provision for protection of the property by insurance 6719
or otherwise, and plans for financing the development, and shall 6720
set forth details of the developer's financial responsibility. 6721

The department may employ, as employees or consultants, 6722
persons needed to assist in reviewing the development plans. Those 6723
persons may include attorneys, financial experts, engineers, and 6724
other necessary experts. The department shall review the 6725
development plans and may enter into a lease if it finds all of 6726
the following: 6727

(a) The best interests of the state will be promoted by 6728
entering into a lease with the developer; 6729

(b) The development plans are satisfactory; 6730

(c) The developer has established the developer's financial 6731
responsibility and satisfactory plans for financing the 6732
development. 6733

The lease shall contain a provision that construction or 6734
renovation of the buildings, roads, structures, and other 6735
necessary facilities shall begin within one year after the date of 6736
the lease and shall proceed according to a schedule agreed to 6737
between the department and the developer or the lease will be 6738
terminated. The lease shall contain such conditions and 6739
stipulations as the director considers necessary to preserve the 6740
best interest of the state. Moneys received by the state pursuant 6741
to this lease shall be paid into the general revenue fund. The 6742
lease shall provide that at the end of the lease period the 6743
buildings, structures, and related improvements shall become the 6744
property of the state without cost. 6745

(13) To manage the use of space owned and controlled by the 6746

department by doing all of the following: 6747

(a) Biennially implementing, by state agency location, a 6748
census of agency employees assigned space; 6749

(b) Periodically in the discretion of the director of 6750
administrative services: 6751

(i) Requiring each state agency to categorize the use of 6752
space allotted to the agency between office space, common areas, 6753
storage space, and other uses, and to report its findings to the 6754
department; 6755

(ii) Creating and updating a master space utilization plan 6756
for all space allotted to state agencies. The plan shall 6757
incorporate space utilization metrics. 6758

(iii) Conducting a cost-benefit analysis to determine the 6759
effectiveness of state-owned buildings; 6760

(iv) Assessing the alternatives associated with consolidating 6761
the commercial leases for buildings located in Columbus. 6762

(c) Commissioning a comprehensive space utilization and 6763
capacity study in order to determine the feasibility of 6764
consolidating existing commercially leased space used by state 6765
agencies into a new state-owned facility. 6766

(14) To adopt rules to ensure that energy efficiency and 6767
conservation is considered in the purchase of products and 6768
equipment, except motor vehicles, by any state agency, department, 6769
division, bureau, office, unit, board, commission, authority, 6770
quasi-governmental entity, or institution. The department may 6771
require minimum energy efficiency standards for purchased products 6772
and equipment based on federal testing and labeling if available 6773
or on standards developed by the department. When possible, the 6774
rules shall apply to the competitive selection of energy consuming 6775
systems, components, and equipment under Chapter 125. of the 6776

Revised Code.	6777
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	6778
(a) Identifying available energy efficiency and conservation opportunities;	6779
(a) Identifying available energy efficiency and conservation opportunities;	6780
(a) Identifying available energy efficiency and conservation opportunities;	6781
(b) Providing for interchange of information among purchasing agencies;	6782
(b) Providing for interchange of information among purchasing agencies;	6783
(c) Identifying laws, policies, rules, and procedures that should be modified;	6784
(c) Identifying laws, policies, rules, and procedures that should be modified;	6785
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	6786
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	6787
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	6788
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	6789
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	6790
(e) Providing technical assistance and training to state employees involved in the purchasing process;	6791
(e) Providing technical assistance and training to state employees involved in the purchasing process;	6792
(f) Working with the <u>department of development services</u> agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	6793
(f) Working with the <u>department of development services</u> agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	6794
(f) Working with the <u>department of development services</u> agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	6795
(f) Working with the <u>department of development services</u> agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation.	6796
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6797
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6798
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6799
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6800
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6801
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6802
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6803
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6804
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6805
(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the	6806

fiscal year, in accordance with the average fuel economy standards 6807
established by federal law for passenger automobiles manufactured 6808
during the model year that begins during the fiscal year. 6809

Each state agency, department, division, bureau, office, 6810
unit, commission, board, authority, quasi-governmental entity, 6811
institution, and state institution of higher education shall 6812
determine its fleet average fuel economy by dividing the total 6813
number of passenger vehicles acquired during the fiscal year, 6814
except for those passenger vehicles acquired for use in law 6815
enforcement or emergency rescue work, by a sum of terms, each of 6816
which is a fraction created by dividing the number of passenger 6817
vehicles of a given make, model, and year, except for passenger 6818
vehicles acquired for use in law enforcement or emergency rescue 6819
work, acquired during the fiscal year by the fuel economy measured 6820
by the administrator of the United States environmental protection 6821
agency, for the given make, model, and year of vehicle, that 6822
constitutes an average fuel economy for combined city and highway 6823
driving. 6824

As used in division (A)(16) of this section, "acquired" means 6825
leased for a period of sixty continuous days or more, or 6826
purchased. 6827

(17) To correct legal descriptions or title defects, or 6828
release fractional interests in real property, as necessary to 6829
cure title clouds reflected in public records, including those 6830
resulting from boundary disputes, ingress or egress issues, title 6831
transfers precipitated through retirement of bond requirements, 6832
and the retention of fractional interests in real estate otherwise 6833
disposed of in previous title transfers. 6834

(18) To, with controlling board approval, sell, transfer, or 6835
otherwise dispose of all right, title, and interest in any 6836
state-owned real property having a fair market value that is less 6837
than one million dollars at the time of disposition. 6838

(a) Fair market value of property proposed for disposition 6839
pursuant to division (A)(18) of this section shall be established 6840
by using best management or other relevant practices through a 6841
method considered reasonable, applicable, and appropriate by the 6842
director of administrative services. 6843

(b) Notwithstanding any provision of law to the contrary, net 6844
proceeds from any disposition of real property made pursuant to 6845
division (A)(18) of this section shall, at the direction of the 6846
director of budget and management, be credited to a fund or funds 6847
in the state treasury, or to accounts held by a state institution 6848
of higher education for purposes to be determined by the 6849
institution. 6850

(B) This section and section 125.02 of the Revised Code shall 6851
not interfere with any of the following: 6852

(1) The power of the adjutant general to purchase military 6853
supplies, or with the custody of the adjutant general of property 6854
leased, purchased, or constructed by the state and used for 6855
military purposes, or with the functions of the adjutant general 6856
as director of state armories; 6857

(2) The power of the director of transportation in acquiring 6858
rights-of-way for the state highway system, or the leasing of 6859
lands for division or resident district offices, or the leasing of 6860
lands or buildings required in the maintenance operations of the 6861
department of transportation, or the purchase of real property for 6862
garage sites or division or resident district offices, or in 6863
preparing plans and specifications for and constructing such 6864
buildings as the director may require in the administration of the 6865
department; 6866

(3) The power of the director of public safety and the 6867
registrar of motor vehicles to purchase or lease real property and 6868
buildings to be used solely as locations to which a deputy 6869

registrar is assigned pursuant to division (B) of section 4507.011 6870
of the Revised Code and from which the deputy registrar is to 6871
conduct the deputy registrar's business, the power of the director 6872
of public safety to purchase or lease real property and buildings 6873
to be used as locations for division or district offices as 6874
required in the maintenance of operations of the department of 6875
public safety, and the power of the superintendent of the state 6876
highway patrol in the purchase or leasing of real property and 6877
buildings needed by the patrol, to negotiate the sale of real 6878
property owned by the patrol, to rent or lease real property owned 6879
or leased by the patrol, and to make or cause to be made repairs 6880
to all property owned or under the control of the patrol; 6881

(4) The power of the division of liquor control in the 6882
leasing or purchasing of retail outlets and warehouse facilities 6883
for the use of the division; 6884

(5) The power of the director of development ~~services~~ to 6885
enter into leases of real property, buildings, and office space to 6886
be used solely as locations for the state's foreign offices to 6887
carry out the purposes of section 122.05 of the Revised Code; 6888

(6) The power of the director of environmental protection to 6889
enter into environmental covenants, to grant and accept easements, 6890
or to sell property pursuant to division (G) of section 3745.01 of 6891
the Revised Code; 6892

(7) The power of the department of public safety under 6893
section 5502.01 of the Revised Code to direct security measures 6894
and operations for the Vern Riffe center and the James A. Rhodes 6895
state office tower. The department of administrative services 6896
shall implement all security measures and operations at the Vern 6897
Riffe center and the James A. Rhodes state office tower as 6898
directed by the department of public safety. 6899

(C) Purchases for, and the custody and repair of, buildings 6900

under the management and control of the capitol square review and 6901
advisory board, the opportunities for Ohioans with disabilities 6902
agency, the bureau of workers' compensation, or the departments of 6903
public safety, job and family services, mental health and 6904
addiction services, developmental disabilities, and rehabilitation 6905
and correction; buildings of educational and benevolent 6906
institutions under the management and control of boards of 6907
trustees; and purchases or leases for, and the custody and repair 6908
of, office space used for the purposes of any agency of the 6909
legislative branch of state government are not subject to the 6910
control and jurisdiction of the department of administrative 6911
services. 6912

An agency of the legislative branch of state government that 6913
uses office space in a building under the management and control 6914
of the department of administrative services may exercise the 6915
agency's authority to improve the agency's office space as 6916
authorized under this division only if, upon review, the 6917
department of administrative services concludes the proposed 6918
improvements do not adversely impact the structural integrity of 6919
the building. 6920

If an agency of the legislative branch of state government, 6921
except the capitol square review and advisory board, so requests, 6922
the agency and the director of administrative services may enter 6923
into a contract under which the department of administrative 6924
services agrees to perform any services requested by the agency 6925
that the department is authorized under this section to perform. 6926
In performing such services, the department shall not use 6927
competitive selection. As used in this division, "competitive 6928
selection" has the meaning defined in section 125.01 of the 6929
Revised Code and includes any other type of competitive process 6930
for the selection of persons producing or dealing in the services 6931
to be provided. 6932

(D) Any instrument by which real property is acquired 6933
pursuant to this section shall identify the agency of the state 6934
that has the use and benefit of the real property as specified in 6935
section 5301.012 of the Revised Code. 6936

Sec. 123.02. The director of administrative services shall be 6937
appointed superintendent of public works and shall have the care 6938
and control of the public works of the state and shall protect, 6939
maintain, and keep them in repair. 6940

Subject to the approval of the governor, the director may 6941
purchase on behalf of the state such real or personal property, 6942
rights, or privileges as are necessary, in the director's 6943
judgment, to acquire in the maintenance of the public works or 6944
their improvement. 6945

The document that evidences the vesting of any right, title, 6946
or interest in real property, other than public lands, belonging 6947
to or used by the state shall be recorded in the office of the 6948
county recorder of the county in which the property is situated. 6949
When recorded, such document and related papers shall be deposited 6950
with the director of administrative services and kept in the 6951
director of administrative services' office, except that evidence 6952
of title to highway rights-of-way shall be deposited with the 6953
director of transportation and kept in the director of 6954
transportation's office. The director of administrative services 6955
shall register the document, except title to highway 6956
rights-of-way, in a record system prepared for that purpose and 6957
open for inspection by all persons interested. 6958

Any instrument by which the state or an agency of the state 6959
acquires real property pursuant to this section shall identify the 6960
agency of the state that has the use and benefit of the real 6961
property as specified in section 5301.012 of the Revised Code. 6962

Sec. 124.136. (A) As used in this section: 6963

(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code. 6964
6965

(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death. 6966
6967

(B)(1) Each permanent full-time and permanent part-time 6968
employee paid in accordance with section 124.152 of the Revised 6969
Code and each employee listed in division (B)(2), ~~(3)~~, or (4) of 6970
section 124.14 of the Revised Code who works thirty or more hours 6971
per week, and who meets the requirement of division ~~(A)(2)~~ 6972
(B)(2)(a) of this section is eligible, upon the birth, stillbirth, 6973
or adoption of a child, for a parental leave of absence and 6974
parental leave benefits under this section. Parental leave of 6975
absence shall begin on the day of the birth of a child, on the day 6976
of the delivery of a stillborn child, or on the day on which 6977
custody of a child is taken for adoption placement by the 6978
prospective parents. 6979

(2)(a) To be eligible for leave and benefits under this 6980
section, an employee must be a one of the following: 6981

(i) A parent, as listed on the birth certificate, of a newly 6982
born child ~~or the;~~ 6983

(ii) A parent, as listed on the fetal death certificate, of a 6984
stillborn child; 6985

(iii) A legal guardian of and reside in the same household as 6986
a newly adopted child. 6987

(b) Employees may elect to receive ~~two~~ five thousand dollars 6988
for adoption expenses in lieu of receiving the paid leave benefit 6989
provided under this section. Such payment may be requested upon 6990
placement of the child in the employee's home. If the child is 6991
already residing in the home, payment may be requested at the time 6992

the adoption is approved. 6993

(3) The average number of regular hours worked, which shall 6994
include all hours of holiday pay and other types of paid leave, 6995
during the three-month period immediately preceding the day 6996
parental leave of absence begins shall be used to determine 6997
eligibility and benefits under this section for part-time 6998
employees, but such benefits shall not exceed forty hours per 6999
week. If an employee has not worked for a three-month period, the 7000
number of hours for which the employee has been scheduled to work 7001
per week during the employee's period of employment shall be used 7002
to determine eligibility and benefits under this section. 7003

~~(B)~~(C) Parental leave granted under this section shall not 7004
exceed six continuous weeks, which shall include four weeks or one 7005
hundred sixty hours of paid leave for permanent full-time 7006
employees and a prorated number of hours of paid leave for 7007
permanent part-time employees. All employees granted parental 7008
leave shall serve a waiting period of fourteen days that begins on 7009
the day parental leave begins and during which they shall not 7010
receive paid leave under this section. Employees may choose to 7011
work during the waiting period. During the remaining four weeks of 7012
the leave period, employees shall receive paid leave equal to 7013
seventy per cent of their base rate of pay. All of the following 7014
apply to employees granted parental leave: 7015

(1) They remain eligible to receive all employer-paid 7016
benefits and continue to accrue all other forms of paid leave as 7017
if they were in active pay status. 7018

(2) They are ineligible to receive overtime pay, and no 7019
portion of their parental leave shall be included in calculating 7020
their overtime pay. 7021

(3) They are ineligible to receive holiday pay. A holiday 7022
occurring during the leave period shall be counted as one day of 7023

parental leave and be paid as such. 7024

~~(C)~~(D) Employees receiving parental leave may utilize 7025
available sick leave, personal leave, vacation leave, or 7026
compensatory time balances in order to be paid during the 7027
fourteen-day waiting period and to supplement the seventy per cent 7028
of their base rate of pay received during the remaining part of 7029
their parental leave period, in an amount sufficient to give them 7030
up to one hundred per cent of their pay for time on parental 7031
leave. 7032

Use of parental leave does not affect an employee's 7033
eligibility for other forms of paid leave granted under this 7034
chapter and does not prohibit an employee from taking leave under 7035
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 7036
U.S.C.A. 2601, except that parental leave shall be included in any 7037
leave time provided under that act. 7038

~~(D)~~(E) Employees receiving disability leave benefits under 7039
section 124.385 of the Revised Code prior to becoming eligible for 7040
parental leave shall continue to receive disability leave benefits 7041
for the duration of their disabling condition or as otherwise 7042
provided under the disability leave benefits program. If an 7043
employee is receiving disability leave benefits because of 7044
pregnancy and these benefits expire prior to the expiration date 7045
of any benefits the employee would have been entitled to receive 7046
under this section, the employee shall receive parental leave for 7047
such additional time without being required to serve an additional 7048
waiting period. 7049

Sec. 124.1312. (A) As used in this section: 7050

(1) "Foster caregiver" has the same meaning as in section 7051
5103.02 of the Revised Code. 7052

(2) "Kinship caregiver" has the same meaning as in section 7053

5101.85 of the Revised Code. 7054

(B) Each permanent full-time and permanent part-time employee 7055
paid in accordance with section 124.152 of the Revised Code and 7056
each employee listed in division (B)(2), (3), or (4) of section 7057
124.14 of the Revised Code who works thirty or more hours per 7058
week, and who is a foster caregiver or kinship caregiver is 7059
eligible, on placement of a child in the employee's home, to a 7060
maximum of five days of caregiver leave with full pay in a 7061
calendar year. Caregiver leave begins on the day on which the 7062
child is placed with the prospective foster caregiver or kinship 7063
caregiver. 7064

(C) The average number of regular hours worked, which shall 7065
include all hours of holiday pay and other types of paid leave, 7066
during the three-month period immediately preceding the day 7067
caregiver leave begins shall be used to determine eligibility for 7068
leave under this section for part-time employees. If an employee 7069
has not worked for a three-month period, the number of hours for 7070
which the employee has been scheduled to work per week during the 7071
employee's period of employment shall be used to determine 7072
eligibility for leave under this section. 7073

(D) Use of caregiver leave does not affect an employee's 7074
eligibility for other forms of paid leave granted under this 7075
chapter and does not prohibit an employee from taking leave under 7076
the "Family and Medical Leave Act of 1993," 29 U.S.C. 2601, except 7077
that caregiver leave shall be included in any leave time provided 7078
under that act. 7079

(E) The director of administrative services may adopt rules 7080
in accordance with Chapter 119. of the Revised Code governing 7081
caregiver leave established under this section. 7082

Sec. 125.02. (A) The department of administrative services 7083
shall establish contracts for supplies and services, including 7084

telephone, other telecommunications, and computer services, for 7085
the use of state agencies, and may establish such contracts for 7086
the use of any political subdivision as described in division (B) 7087
of section 125.04 of the Revised Code, except for the following: 7088

(1) The adjutant general for military supplies and services; 7089

(2) The general assembly; 7090

(3) The judicial branch; 7091

(4) State institutions of higher education; 7092

(5) State elected officials as set forth in section 125.041 7093
of the Revised Code; 7094

(6) The capitol square review and advisory board. 7095

The entities set forth in divisions (A)(1) to (6) of this 7096
section may request the department of administrative services' 7097
assistance in the procurement of supplies and services for their 7098
respective offices and, upon the department's approval, may 7099
participate in contracts awarded by the department. 7100

(B) For purchases under division (C) of section 125.05 of the 7101
Revised Code, the department shall grant a state agency a release 7102
and permit to make the purchase if the department determines that 7103
it is not possible or advantageous for the department to make a 7104
purchase. 7105

(C) Upon request, the department may grant a blanket release 7106
and permit to a state agency for specific purchases. The 7107
department may grant the blanket release and permit for a fiscal 7108
year or for a biennium as determined by the director of 7109
administrative services. 7110

(D) The director of administrative services shall adopt rules 7111
regarding circumstances and criteria for obtaining a release and 7112
permit under this section. The director of administrative services 7113
shall prescribe uniform rules governing forms of specifications, 7114

advertisements for proposals, the opening of bids, the making of 7115
awards and contracts, and the purchase of supplies and performance 7116
of work. 7117

(E) The director may ~~enter into~~ participate in cooperative 7118
purchasing ~~agreements to purchase supplies or services~~ with the 7119
following: 7120

(1) The entities set forth in divisions (A)(1) to ~~(5)~~ (6) of 7121
this section; 7122

(2) One or more other states; 7123

(3) Groups of states; 7124

(4) The United States or any department, division, or agency 7125
of the United States; 7126

(5) Other purchasing consortia; 7127

(6) The department of transportation; or 7128

(7) Any political subdivision of this state described in 7129
division (B) of section 125.04 of the Revised Code. 7130

(F) The United States or any department, division, or agency 7131
of the United States, one or more other states, groups of states, 7132
other purchasing consortia, or any agency, commission, or 7133
authority established under an interstate compact or agreement may 7134
purchase supplies and services from contracts established by the 7135
department of administrative services. 7136

(G) Except as provided in section 125.04 of the Revised Code, 7137
the department of administrative services shall purchase any 7138
policy of insurance, including a surety or fidelity bond, covering 7139
officers or employees of a state agency, for which the annual 7140
premium is more than one thousand dollars and which the state may 7141
procure. The department shall purchase the insurance in conformity 7142
with sections 125.04 to 125.15 of the Revised Code. As used in 7143
this division, "annual premium" means the total premium for one 7144

year for one type of insurance regardless of the number of 7145
policies. 7146

Sec. 125.035. (A) Except as otherwise provided in the Revised 7147
Code, a state agency wanting to purchase supplies or services 7148
shall make the purchase subject to the requirements of an 7149
applicable first or second requisite procurement program described 7150
in this section, or obtain a determination from the department of 7151
administrative services that the purchase is not subject to a 7152
first or second requisite procurement program. State agencies 7153
shall submit a purchase request to the department of 7154
administrative services unless the department has determined the 7155
request does not require a review. The director of administrative 7156
services shall adopt rules under Chapter 119. of the Revised Code 7157
to provide for the manner of carrying out the function and the 7158
power and duties imposed upon and vested in the director by this 7159
section. 7160

(B) The following programs are first requisite procurement 7161
programs that shall be given preference in the following order in 7162
fulfilling a purchase request: 7163

(1) Ohio penal industries within the department of 7164
rehabilitation and correction; and 7165

(2) Community rehabilitation programs administered by the 7166
department of administrative services under sections 125.601 to 7167
125.6012 of the Revised Code. 7168

(C) The following programs are second requisite procurement 7169
programs that may be able to fulfill the purchase request if the 7170
first requisite procurement programs are unable to do so: 7171

(1) Business enterprise program at the opportunities for 7172
Ohioans with disabilities agency as prescribed in sections 3304.28 7173
to 3304.33 of the Revised Code; 7174

(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;	7175 7176 7177
(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;	7178 7179 7180
(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;	7181 7182 7183
(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and	7184 7185
(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.	7186 7187 7188
(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall:	7189 7190 7191 7192 7193 7194 7195 7196
(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program;	7197 7198 7199
(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or	7200 7201 7202
(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this	7203 7204

section. 7205

(E) In making the determination that a purchase is subject to 7206
a second requisite procurement program, the department shall 7207
identify potentially applicable programs and notify each program 7208
of the requested purchase. The notified second requisite 7209
procurement program shall respond to the department within two 7210
business days with regard to its ability to provide the requested 7211
purchase. If the second requisite procurement program can provide 7212
the requested purchase, the department shall direct the requesting 7213
agency to make the requested purchase from the appropriate second 7214
requisite procurement program. If the department has not received 7215
notification from a second requisite procurement program within 7216
two business days and the department has made the determination 7217
that the purchase is not subject to a second requisite procurement 7218
program, the department shall provide a waiver to the requesting 7219
agency. 7220

(F) Within five business days after receipt of a request, the 7221
department shall notify the requesting agency of its determination 7222
and provide any waiver under divisions (D) or (E) of this section. 7223
If the department fails to respond within five business days or 7224
fails to provide an explanation for any further delay within that 7225
time, the requesting agency may use direct purchasing authority to 7226
make the requested purchase, subject to the requirements of 7227
division (G) of this section, division (E) of section 125.05, and 7228
section 127.16 of the Revised Code. 7229

(G) As provided in sections 125.02 and 125.05 of the Revised 7230
Code and subject to such rules as the director of administrative 7231
services may adopt, the department may issue a release and permit 7232
to the agency to secure supplies or services. A release and permit 7233
shall specify the supplies or services to which it applies, the 7234
time during which it is operative, and the reason for its 7235
issuance. A release and permit for telephone, other 7236

telecommunications, and computer services shall be provided in 7237
accordance with section 125.18 of the Revised Code and shall 7238
specify the type of services to be rendered, the number and type 7239
of hardware to be used, and may specify the amount of such 7240
services to be performed. No requesting agency shall proceed with 7241
such purchase until it has received an approved release and permit 7242
from the director of administrative services or the director's 7243
designee. 7244

Sec. 125.04. (A) Except for the requirements of division (B) 7245
of this section, section 125.092, and division (B) of section 7246
125.11 of the Revised Code, sections 125.04 to 125.08 and 125.09 7247
to 125.15 of the Revised Code do not apply to or affect state 7248
institutions of higher education. 7249

(B)(1) As used in this division: 7250

(a) "Chartered nonpublic school" has the same meaning as in 7251
section 3310.01 of the Revised Code. 7252

(b) "Emergency medical service organization" has the same 7253
meaning as in section 4765.01 of the Revised Code. 7254

(c) "Governmental agency" means a political subdivision or 7255
special district in this state or any other state established by 7256
or under law, or any combination of these entities; the United 7257
States or any department, division, or agency of the United 7258
States; one or more other states or groups of states; other 7259
purchasing consortia; and any agency, commission, or authority 7260
established under an interstate compact or agreement. 7261

(d) "Political subdivision" means any county, township, 7262
municipal corporation, school district, conservancy district, 7263
township park district, park district created under Chapter 1545. 7264
of the Revised Code, regional transit authority, regional airport 7265
authority, regional water and sewer district, or port authority. 7266

"Political subdivision" also includes any other political subdivision described in the Revised Code that has been approved by the department of administrative services to participate in the department's contracts under this division.

(e) "Private fire company" has the same meaning as in section 9.60 of the Revised Code.

(f) "State institution of higher education" has the meaning defined in section 3345.011 of the Revised Code.

(2) Subject to division (C) of this section, the department of administrative services may permit a state institution of higher education, governmental agency, political subdivision, ~~county board of elections,~~ private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school to participate in contracts into which the department has entered for the purchase of supplies and services. The department may charge the entity a reasonable fee to cover the administrative costs the department incurs as a result of participation by the entity in such a purchase contract.

A political subdivision desiring to participate in such purchase contracts shall file with the department a certified copy of an ordinance or resolution of the legislative authority or governing board of the political subdivision. The resolution or ordinance shall request that the political subdivision be authorized to participate in such contracts and shall agree that the political subdivision will be bound by such terms and conditions as the department prescribes and that it will directly pay the vendor under each purchase contract. ~~A board of elections desiring to participate in such purchase contracts shall file with the purchasing authority a written request for inclusion in the program.~~ A private fire company, private, nonprofit emergency medical service organization, or chartered nonpublic school desiring to participate in such purchase contracts shall file with

the department a written request for inclusion in the program 7299
signed by the chief officer of the company, organization, or 7300
chartered nonpublic school. A governmental agency desiring to 7301
participate in such purchase contracts shall file with the 7302
department a written request for inclusion in the program. A state 7303
institution of higher education desiring to participate in such 7304
purchase contracts shall file with the department a certified copy 7305
of resolution of the board of trustees or similar authorizing 7306
body. The resolution shall request that the state institution of 7307
higher education be authorized to participate in such contracts. 7308

A request for inclusion shall include an agreement to be 7309
bound by such terms and conditions as the department prescribes 7310
and to make direct payments to the vendor under each purchase 7311
contract. 7312

(3) The board of elections of a county that is authorized to 7313
participate in contracts under division (B)(2) of this section may 7314
participate in contracts under that division under the same terms 7315
and conditions that apply to the county. 7316

(4) The department shall include in its annual report, an 7317
estimate of the purchases made by state institutions of higher 7318
education, governmental agencies, political subdivisions, ~~county~~ 7319
boards of elections, private fire companies, private, nonprofit 7320
emergency medical service organizations, and chartered nonpublic 7321
schools from contracts pursuant to this division. The department 7322
may require such entities to file a report with the department, as 7323
often as it finds necessary, stating how many such contracts the 7324
entities participated in within a specified period of time, and 7325
any other information the department requires. 7326

~~(3)~~(5) Purchases made by a political subdivision or a ~~county~~ 7327
board of elections under this division are exempt from any 7328
competitive selection procedures otherwise required by law. No 7329
political subdivision shall make any purchase under this division 7330

when bids have been received for such purchase by the subdivision, 7331
unless such purchase can be made upon the same terms, conditions, 7332
and specifications at a lower price under ~~this~~ division (B)(2) of 7333
this section. 7334

(C) A political subdivision as defined in division (B) of 7335
this section or a ~~county~~ board of elections may purchase supplies 7336
or services from another party, including a political subdivision, 7337
instead of through participation in contracts described in 7338
division (B) of this section if the political subdivision or 7339
~~county~~ board of elections can purchase those supplies or services 7340
from the other party upon equivalent terms, conditions, and 7341
specifications but at a lower price than it can through those 7342
contracts. Purchases that a political subdivision or ~~county~~ board 7343
of elections makes under this division are exempt from any 7344
competitive selection procedures otherwise required by law. A 7345
political subdivision or ~~county~~ board of elections that makes any 7346
purchase under this division shall maintain sufficient information 7347
regarding the purchase to verify that the political subdivision or 7348
~~county~~ board of elections satisfied the conditions for making a 7349
purchase under this division. Nothing in this division restricts 7350
any action taken by a county or township as authorized by division 7351
(B)(1) of section 9.48 of the Revised Code. 7352

(D) This section does not apply to supplies or services 7353
purchased by a state agency directly as provided in section 125.05 7354
of the Revised Code, or to purchases of supplies or services for 7355
the emergency management agency or other state agencies as 7356
provided in section 125.061 of the Revised Code. 7357

Sec. 125.05. Except as provided in division (D) or (E) of 7358
this section, no state agency shall purchase any supplies or 7359
services except as provided in divisions (A) to (C) of this 7360
section. 7361

(A) A state agency may, without competitive selection, make any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver under ~~divisions~~ division (D) or (E) of that section and a release and permit under division (G) of that section.

(C) An agency that has been granted a release and permit under division (G) of section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

(1) Be exceeded and the controlling board approves the purchase;

(2) Not be exceeded and the department of administrative services approves the purchase.

(D) If the department of education or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software

services or supplies for themselves, the department or network 7393
shall certify that fact to the department of administrative 7394
services and, acting as an agent for the specified school 7395
districts, shall make that purchase without following the 7396
provisions in divisions (A) to (D) of this section. 7397

(E) For the purchase of personal protective equipment, when 7398
cost is less than fifty thousand dollars, a state agency shall 7399
comply with divisions (A) to (E) of section 125.035 of the Revised 7400
Code. If the purchase is not subject to the requirements of an 7401
applicable first or second requisite procurement program, the 7402
agency shall make the purchase under section 125.09 of the Revised 7403
Code. As used in this division, "personal protective equipment" 7404
means equipment worn to minimize exposure to hazards that cause 7405
workplace injuries and illnesses. 7406

Sec. 125.08. ~~(A)~~ Any person who is certified by the ~~equal~~ 7407
~~employment opportunity coordinator of the department~~ director of 7408
~~administrative services~~ development in accordance with the rules 7409
adopted under division (B)(1) of section ~~123.151~~ 122.921 of the 7410
Revised Code as a minority business enterprise may have that 7411
person's name placed on a special minority business enterprise 7412
notification list to be used in connection with contracts awarded 7413
under section 125.081 of the Revised Code. The minority business 7414
enterprise notification list shall be used for bidding on 7415
contracts set aside for minority business enterprises only. 7416

Sec. 125.081. (A) From the purchases that the department of 7417
administrative services is required by law to make through 7418
competitive selection, the director of administrative services 7419
shall select a number of such purchases, the aggregate value of 7420
which equals approximately fifteen per cent of the estimated total 7421
value of all such purchases to be made in the current fiscal year. 7422
The director shall set aside the purchases selected for 7423

competition only by minority business enterprises, as defined in 7424
division (E)(1) of section 122.71 of the Revised Code. The 7425
competitive selection procedures for such purchases set aside 7426
shall be the same as for all other purchases the department is 7427
required to make through competitive selection, except that only 7428
minority business enterprises certified by the ~~equal employment~~ 7429
~~opportunity coordinator of the department~~ director of 7430
~~administrative services~~ development in accordance with the rules 7431
adopted under division (B)(1) of section ~~123.151~~122.921 of the 7432
Revised Code and listed ~~by the director~~ under section 125.08 of 7433
the Revised Code shall be qualified to compete. 7434

(B) To the extent that any agency of the state, other than 7435
the department of administrative services, the legislative and 7436
judicial branches, boards of elections, and the adjutant general, 7437
is authorized to make purchases, the agency shall set aside a 7438
number of purchases, the aggregate value of which equals 7439
approximately fifteen per cent of the aggregate value of such 7440
purchases for the current fiscal year for competition by minority 7441
business enterprises only. The procedures for such purchases shall 7442
be the same as for all other such purchases made by the agency, 7443
except that only minority business enterprises certified by the 7444
~~equal employment opportunity coordinator~~ director of development 7445
in accordance with rules adopted under division (B)(1) of section 7446
123.151 of the Revised Code shall be qualified to compete. 7447

(C) In the case of purchases set aside under division (A) or 7448
(B) of this section, if no bid is submitted by a minority business 7449
enterprise, the purchase shall be made according to usual 7450
procedures. The contracting agency shall from time to time set 7451
aside such additional purchases for which only minority business 7452
enterprises may compete, as are necessary to replace those 7453
purchases previously set aside for which no minority business 7454
enterprises bid and to ensure that, in any fiscal year, the 7455

aggregate amount of contracts awarded to minority business 7456
enterprises will equal approximately fifteen per cent of the total 7457
amount of contracts awarded by the agency. 7458

(D) The provisions of this section shall not preclude any 7459
minority business enterprise from competing for any other state 7460
purchases that are not specifically set aside for minority 7461
business enterprises. 7462

(E) No funds of any state agency shall be expended in any 7463
fiscal year for any purchase for which competitive selection is 7464
required, until the director of the department of administrative 7465
services certifies to the ~~equal employment opportunity~~ 7466
~~coordinator~~, the clerk of the senate, and the clerk of the house 7467
of representatives of the general assembly that approximately 7468
fifteen per cent of the aggregate amount of the projected 7469
expenditure for such purchases in the fiscal year has been set 7470
aside as provided for in this section. 7471

(F) Any person who intentionally misrepresents self as 7472
owning, controlling, operating, or participating in a minority 7473
business enterprise for the purpose of obtaining contracts, 7474
subcontracts, or any other benefits under this section shall be 7475
guilty of theft by deception as provided for in section 2913.02 of 7476
the Revised Code. 7477

Sec. 125.09. (A) Pursuant to ~~section~~ sections 125.07, 7478
125.071, and 125.072 of the Revised Code, the department of 7479
administrative services may prescribe such conditions under which 7480
competitive sealed bids, competitive sealed proposals, and bids in 7481
reverse auctions will be received and terms of the proposed 7482
purchase as it considers necessary; provided, that all such 7483
conditions and terms shall be reasonable and shall not 7484
unreasonably restrict competition, and bidders may bid and 7485
offerors may propose upon all or any item of the products, 7486

supplies, or services listed in such notice. Those bidders and 7487
offerors claiming the preference ~~for United States and Ohio~~ 7488
~~products~~ outlined in this chapter shall designate in their ~~bids~~ 7489
bid or offer either that the product ~~to be supplied~~ or supply is 7490
produced or mined in the United States and is either an Ohio 7491
product or that the product, supply, or service is provided by a 7492
bidder or offeror that qualifies as having a significant Ohio 7493
economic presence under the rules established by the director of 7494
administrative services ~~they qualify as having a significant Ohio~~ 7495
~~economic presence.~~ 7496

(B) The department may require that each bidder or offeror 7497
provide sufficient information about the energy efficiency or 7498
energy usage of the bidder's or offeror's product, supply, or 7499
service. 7500

(C) The director of administrative services shall, by rule 7501
adopted pursuant to Chapter 119. of the Revised Code, prescribe 7502
criteria and procedures for use by all state agencies in giving 7503
preference ~~to United States and Ohio products~~ under this section 7504
as required by division (B) of section 125.11 of the Revised Code. 7505
The rules shall extend to: 7506

(1) Criteria for determining that a product is produced or 7507
mined in the United States rather than in another country or 7508
territory; 7509

(2) Criteria for determining that a product is produced or 7510
mined in Ohio; 7511

(3) Information to be submitted by bidders or offerors as to 7512
the nature of a product and the location where it is produced or 7513
mined; 7514

(4) Criteria and procedures to be used by the director to 7515
qualify bidders or offerors located in states bordering Ohio who 7516
might otherwise be excluded from being awarded a contract by 7517

operation of this section and section 125.11 of the Revised Code. 7518
The criteria and procedures shall recognize the level and 7519
regularity of interstate commerce between Ohio and the border 7520
states and provide that the non-Ohio businesses may qualify for 7521
award of a contract as long as they are located in a state that 7522
imposes no greater restrictions than are contained in this section 7523
and section 125.11 of the Revised Code upon persons located in 7524
Ohio selling products or services to agencies of that state. The 7525
criteria and procedures shall also provide that a non-Ohio 7526
business shall not bid on a contract for state printing in this 7527
state if the business is located in a state that excludes Ohio 7528
businesses from bidding on state printing contracts in that state. 7529

(5) Criteria and procedures to be used to qualify bidders and 7530
offerors whose manufactured products, except for mined products, 7531
are produced in other states or in North America, but the bidders 7532
or offerors have a significant Ohio economic presence in terms of 7533
the number of employees or capital investment a bidder or offeror 7534
has in this state. Bidders and offerors with a significant Ohio 7535
economic presence shall qualify for award of a contract on the 7536
same basis as if their products were produced in this state or as 7537
if the bidder or offeror was domiciled in this state. 7538

(6) Criteria and procedures for the director to grant waivers 7539
of the requirements of division (B) of section 125.11 of the 7540
Revised Code on a contract-by-contract basis where compliance with 7541
those requirements would result in the state agency paying an 7542
excessive price for the product or acquiring a disproportionately 7543
inferior product; 7544

(7) Such other requirements or procedures reasonably 7545
necessary to implement the system of preferences established 7546
pursuant to division (B) of section 125.11 of the Revised Code. 7547

In adopting the rules required under this division, the 7548
director shall, to the maximum extent possible, conform to the 7549

requirements of the federal "Buy America Act," 47 Stat. 1520, 7550
(1933), 41 U.S.C.A. 10a-10d, as amended, and to the regulations 7551
adopted thereunder. 7552

Sec. 125.112. (A) As used in this section: 7553

(1) "Agency" means a department created under section 121.02 7554
of the Revised Code. 7555

(2) "Entity" means, whether for profit or nonprofit, a 7556
corporation, association, partnership, limited liability company, 7557
sole proprietorship, or other business entity. "Entity" does not 7558
include an individual who receives state assistance that is not 7559
related to the individual's business. 7560

(3)(a) "State award" means a contract awarded by the state 7561
costing over twenty-five thousand dollars. 7562

(b) "State award" does not include compensation received as 7563
an employee of the state or any state financial assistance and 7564
expenditure received from the general assembly or any legislative 7565
agency, any court or judicial agency, the secretary of state, 7566
auditor of state, treasurer of state, or attorney general and 7567
their respective offices. 7568

(B) The department of administrative services shall establish 7569
and maintain a single searchable web site, accessible by the 7570
public at no cost, that includes all of the following information 7571
for each state award: 7572

(1) The name of the entity receiving the award; 7573

(2) The amount of the award; 7574

(3) Information on the award, the agency or other 7575
instrumentality of the state that is providing the award, and the 7576
commodity code; 7577

(4) Any other relevant information determined by the 7578

department of administrative services. 7579

(C) The department of administrative services may consult 7580
with other state agencies in the development, establishment, 7581
operation, and support of the web site required by division (B) of 7582
this section. State awards shall be posted on the web site within 7583
thirty days after being made. The department of administrative 7584
services shall provide an opportunity for public comment as to the 7585
utility of the web site required by division (B) of this section 7586
and any suggested improvements. 7587

(D) The web site required by division (B) of this section 7588
shall be fully operational not later than one year after December 7589
30, 2008, and shall include information on state awards made in 7590
fiscal year 2008 and thereafter. It shall also provide an 7591
electronic link to the daily journals of the senate and house of 7592
representatives. 7593

(E) The director of administrative services shall submit to 7594
the general assembly an annual report regarding the implementation 7595
of the web site established pursuant to division (B) of this 7596
section. The report shall include data regarding the usage of the 7597
web site and any public comments on the utility of the site, 7598
including recommendations for improving data quality and 7599
collection. The director shall post each report on the web site. 7600

(F) Each agency awarding a grant to an entity in fiscal year 7601
2008 and thereafter shall establish and maintain a separate web 7602
site listing the name of the entity receiving each grant, the 7603
grant amount, information on each grant, and any other relevant 7604
information determined by the department of administrative 7605
services. Each agency shall provide the link to such a web site to 7606
the department of administrative services within a reasonable time 7607
after December 30, 2008, and shall thereafter update its web site 7608
within thirty days of awarding a new grant. Not later than one 7609
year after December 30, 2008, the department of administrative 7610

services shall establish and maintain a separate web site, 7611
accessible to the public at no cost, which contains the links to 7612
the agency web sites required by this division. 7613

~~(G) At the end of the closeout year, the attorney general 7614
shall determine the extent to which an entity has complied with 7615
the terms and conditions, including performance metrics, of a 7616
state award for economic development received by that entity. As 7617
necessary, the agency that makes and administers the state award 7618
for economic development shall assist the attorney general with 7619
that determination. The attorney general shall submit to the 7620
general assembly pursuant to section 101.68 of the Revised Code an 7621
annual report regarding the level of compliance of each such 7622
entity with the terms and conditions, including performance 7623
metrics, of their state awards for economic development. When the 7624
attorney general determines appropriate and to the extent that an 7625
entity that receives or has received a state award for economic 7626
development does not comply with a performance metric that is 7627
specified in the terms and conditions of the award, the attorney 7628
general shall pursue against and from that entity such remedies 7629
and recoveries as are available under law. For purposes of this 7630
division, "Closeout year" means the calendar year by which an 7631
entity that receives a state award for economic development must 7632
comply with a performance metric specified in the terms and 7633
conditions of the award. "State award for economic development" 7634
means state financial assistance and expenditure in any of the 7635
following forms: grants, subgrants, loans, awards, cooperative 7636
agreements, or other similar and related forms of financial 7637
assistance and contracts, subcontracts, purchase orders, task 7638
orders, delivery orders, or other similar and related 7639
transactions. "State award for economic development" does not 7640
include compensation received as an employee of the state or any 7641
state financial assistance and expenditure received from the 7642
general assembly or any legislative agency, any court or judicial 7643~~

~~agency, the secretary of state, auditor of state, treasurer of state, or attorney general and their respective offices.~~ 7644
7645

~~(H)~~ Nothing in this section shall be construed as requiring 7646
the disclosure of information that is not a public record under 7647
section 149.43 of the Revised Code. 7648

Sec. 125.14. (A) The director of administrative services 7649
shall allocate any proceeds from the transfer, sale, or lease of 7650
excess and surplus supplies in the following manner: 7651

(1) Except as otherwise provided in division (A)(2) or (3) of 7652
this section, the proceeds of such a transfer, sale, or lease 7653
shall be paid into the state treasury to the credit of the 7654
investment recovery fund, which is hereby created. 7655

(2) Except as otherwise provided in division (A)(2) of this 7656
section, when supplies originally were purchased with funds from 7657
nongeneral revenue fund sources, the director shall determine what 7658
fund or account originally was used to purchase the supplies, and 7659
the credit for the proceeds from any transfer, sale, or lease of 7660
those supplies shall be transferred to that fund or account. If 7661
the director cannot determine which fund or account originally was 7662
used to purchase the supplies, if the fund or account is no longer 7663
active, or if the proceeds from the transfer, sale, or lease of a 7664
unit of supplies are less than one hundred dollars or any larger 7665
amount the director may establish with the approval of the 7666
director of budget and management, then the proceeds from the 7667
transfer, sale, or lease of such supplies shall be paid into the 7668
state treasury to the credit of the investment recovery fund. 7669

(3) In accordance with division (H)(2) of section 125.832 of 7670
the Revised Code, when vehicles originally were purchased with 7671
moneys derived from the general revenue fund, the proceeds shall 7672
be deposited, in the director's discretion, into the state 7673
treasury to the credit of either the fleet management fund created 7674

by section 125.83 of the Revised Code or to the credit of the 7675
investment recovery fund created by this section. Any such 7676
proceeds deposited into the state treasury to the credit of the 7677
investment recovery fund may be transferred from the investment 7678
recovery fund to the fleet management fund. 7679

(B) The investment recovery fund shall be used to pay for the 7680
operating expenses of the state surplus property program and of 7681
the federal surplus property program described in sections 125.84 7682
to 125.90 of the Revised Code. Any amounts in excess of these 7683
operating expenses shall periodically be transferred to the 7684
general revenue fund of the state. If proceeds paid into the 7685
investment recovery fund are insufficient to pay for the program's 7686
operating expenses, a service fee may be charged to state agencies 7687
to eliminate the deficit. 7688

(C) Proceeds from the sale of recyclable goods and materials 7689
shall be paid into the state treasury to the credit of the 7690
recycled materials fund, which is hereby created, except that the 7691
director of environmental protection, upon request, may grant an 7692
exemption from this requirement. The director shall administer the 7693
fund for the benefit of recycling programs in state agencies. 7694

Sec. 125.18. (A) There is hereby established the office of 7695
information technology within the department of administrative 7696
services. The office shall be under the supervision of a state 7697
chief information officer to be appointed by the director of 7698
administrative services and subject to removal at the pleasure of 7699
the director. The chief information officer is an assistant 7700
director of administrative services. 7701

(B) Under the direction of the director of administrative 7702
services, the state chief information officer shall lead, oversee, 7703
and direct state agency activities related to information 7704
technology development and use. In that regard, the state chief 7705

information officer shall do all of the following: 7706

(1) Coordinate and superintend statewide efforts to promote 7707
common use and development of technology by state agencies. The 7708
office of information technology shall establish policies and 7709
standards that govern and direct state agency participation in 7710
statewide programs and initiatives. 7711

(2) Coordinate with the office of procurement services to 7712
establish policies and standards for state agency acquisition of 7713
information technology supplies and services; 7714

(3) Establish policies and standards for the ~~acquisition and~~ 7715
use of common information technology by state agencies, including, 7716
but not limited to, hardware, software, technology services, and 7717
security, and the extension of the service life of information 7718
technology systems, with which state agencies shall comply; 7719

~~(3)~~(4) Establish criteria and review processes to identify 7720
state agency information technology projects or purchases that 7721
require alignment or oversight. As appropriate, the department of 7722
administrative services shall provide the governor and the 7723
director of budget and management with notice and advice regarding 7724
the appropriate allocation of resources for those projects. The 7725
state chief information officer may require state agencies to 7726
provide, and may prescribe the form and manner by which they must 7727
provide, information to fulfill the state chief information 7728
officer's alignment and oversight role; 7729

~~(4)~~(5) Establish policies and procedures for the security of 7730
personal information that is maintained and destroyed by state 7731
agencies; 7732

~~(5)~~(6) Employ a chief information security officer who is 7733
responsible for the implementation of the policies and procedures 7734
described in division ~~(B)(4)~~ (B)(5) of this section and for 7735
coordinating the implementation of those policies and procedures 7736

in all of the state agencies; 7737

~~(6)~~(7) Employ a chief privacy officer who is responsible for 7738
advising state agencies when establishing policies and procedures 7739
for the security of personal information and developing education 7740
and training programs regarding the state's security procedures; 7741

~~(7)~~(8) Establish policies on the purchasing, use, and 7742
reimbursement for use of handheld computing and telecommunications 7743
devices by state agency employees; 7744

~~(8)~~(9) Establish policies for the reduction of printing and 7745
for the increased use of electronic records by state agencies; 7746

~~(9)~~(10) Establish policies for the reduction of energy 7747
consumption by state agencies; 7748

~~(10)~~(11) Compute the amount of revenue attributable to the 7749
amortization of all equipment purchases and capitalized systems 7750
from information technology service delivery and major information 7751
technology purchases, MARCS administration, enterprise 7752
applications, and the professions licensing system operating 7753
appropriation items and major computer purchases capital 7754
appropriation items that is recovered as part of the information 7755
technology services rates the department of administrative 7756
services charges and deposits into the information technology fund 7757
created in section 125.15 of the Revised Code, the user fees the 7758
department of administrative services charges and deposits in the 7759
MARCS administration fund created in section 4501.29 of the 7760
Revised Code, the rates the department of administrative services 7761
charges to benefiting agencies for the operation and management of 7762
information technology applications and deposits in the enterprise 7763
applications fund, and the rates the department of administrative 7764
services charges for the cost of ongoing maintenance of the 7765
professions licensing system and deposits in the professions 7766
licensing system fund. The enterprise applications fund is hereby 7767

created in the state treasury. 7768

~~(11)~~(12) Regularly review and make recommendations regarding 7769
improving the infrastructure of the state's cybersecurity 7770
operations with existing resources and through partnerships 7771
between government, business, and institutions of higher 7772
education; 7773

~~(12)~~(13) Assist, as needed, with general state efforts to 7774
grow the cybersecurity industry in this state. 7775

(C)(1) The chief information security officer shall assist 7776
each state agency with the development of an information 7777
technology security strategic plan and review that plan, and each 7778
state agency shall submit that plan to the state chief information 7779
officer. The chief information security officer may require that 7780
each state agency update its information technology security 7781
strategic plan annually as determined by the state chief 7782
information officer. 7783

(2) Prior to the implementation of any information technology 7784
data system, a state agency shall prepare or have prepared a 7785
privacy impact statement for that system. 7786

(D) When a state agency requests a purchase of information 7787
technology supplies or services under Chapter 125. of the Revised 7788
Code, the state chief information officer may review and reject 7789
the requested purchase for noncompliance with information 7790
technology direction, plans, policies, standards, or 7791
project-alignment criteria. 7792

(E) The office of information technology may operate 7793
technology services for state agencies in accordance with this 7794
chapter. 7795

Notwithstanding any provision of the Revised Code to the 7796
contrary, the office of information technology may assess a 7797
transaction fee on each license or registration issued as part of 7798

an electronic licensing system operated by the office in an amount 7799
determined by the office not to exceed three dollars and fifty 7800
cents. The transaction fee shall apply to all transactions, 7801
regardless of form, that immediately precede the issuance, 7802
renewal, reinstatement, reactivation of, or other activity that 7803
results in, a license or registration to operate as a regulated 7804
professional or entity. Each license or registration is a separate 7805
transaction to which a fee under this division applies. 7806
Notwithstanding any provision of the Revised Code to the contrary, 7807
if a fee is assessed under this section, no agency, board, or 7808
commission shall issue a license or registration unless a fee 7809
required by this division has been received. The director of 7810
administrative services may collect the fee or require a state 7811
agency, board, or commission for which the system is being 7812
operated to collect the fee. Amounts received under this division 7813
shall be deposited in or transferred to the professions licensing 7814
system fund created in division ~~(I)~~ (H) of this section. 7815

(F) With the approval of the director of administrative 7816
services, the office of information technology may establish 7817
cooperative agreements with federal and local government agencies 7818
and state agencies that are not under the authority of the 7819
governor for the provision of technology services and the 7820
development of technology projects. 7821

(G) The office of information technology may operate a 7822
program to make information technology purchases. The director of 7823
administrative services may recover the cost of operating the 7824
program from all participating government entities by issuing 7825
intrastate transfer voucher billings for the procured technology 7826
or through any pass-through billing method agreed to by the 7827
director of administrative services, the director of budget and 7828
management, and the participating government entities that will 7829
receive the procured technology. 7830

If the director of administrative services chooses to recover 7831
the program costs through intrastate transfer voucher billings, 7832
the participating government entities shall process the intrastate 7833
transfer vouchers to pay for the cost. Amounts received under this 7834
section for the information technology purchase program shall be 7835
deposited to the credit of the information technology governance 7836
fund created in section 125.15 of the Revised Code. 7837

(H) Upon request from the director of administrative 7838
services, the director of budget and management may transfer cash 7839
from the information technology fund created in section 125.15 of 7840
the Revised Code, the MARCS administration fund created in section 7841
4501.29 of the Revised Code, the enterprise applications fund 7842
created in division ~~(B)(10)~~ (B)(11) of this section, or the 7843
professions licensing system fund created in division (I) of this 7844
section to the major information technology purchases fund in an 7845
amount not to exceed the amount computed under division ~~(B)(10)~~ 7846
(B)(11) of this section. The major information technology 7847
purchases fund is hereby created in the state treasury. 7848

(I) There is hereby created in the state treasury the 7849
professions licensing system fund. The fund shall be used to 7850
operate the electronic licensing system referenced in division (E) 7851
of this section. 7852

(J) As used in this section: 7853

(1) "Personal information" has the same meaning as in section 7854
149.45 of the Revised Code. 7855

(2) "State agency" means every organized body, office, or 7856
agency established by the laws of the state for the exercise of 7857
any function of state government, other than any state-supported 7858
institution of higher education, the office of the auditor of 7859
state, treasurer of state, secretary of state, or attorney 7860
general, the adjutant general's department, the bureau of workers' 7861

compensation, the industrial commission, the public employees 7862
retirement system, the Ohio police and fire pension fund, the 7863
state teachers retirement system, the school employees retirement 7864
system, the state highway patrol retirement system, the general 7865
assembly or any legislative agency, the capitol square review 7866
advisory board, or the courts or any judicial agency. 7867

Sec. 125.65. (A) As used in this section, "small business" 7868
has the same meaning as in section 107.63 of the Revised Code. 7869

(B) The LeanOhio office in the department of administrative 7870
services shall establish and operate an entrepreneur in residence 7871
pilot program. The mission of the entrepreneur in residence pilot 7872
program is to provide for better outreach by state government to 7873
small businesses, to strengthen coordination and interaction 7874
between state government and small businesses, and to make state 7875
government programs and functions simpler, easier to access, more 7876
efficient, and more responsive to the needs of small businesses. 7877

(C) Not later than the first day of the seventh month after 7878
~~the effective date of this section~~ March 3, 2015, the LeanOhio 7879
office shall appoint not more than five entrepreneurs in residence 7880
from among individuals who are successful in their fields and 7881
shall make reasonable efforts to market the entrepreneur in 7882
residence program across the state and attract participation from 7883
entrepreneurs with various backgrounds, including female 7884
entrepreneurs, minority business enterprises as defined in section 7885
122.71 of the Revised Code, and owners of EDGE business 7886
enterprises as defined in section ~~123.152~~122.922 of the Revised 7887
Code. The LeanOhio office may give preference to individuals who 7888
have achieved quantifiable improvements using LeanOhio tools and 7889
strategies such as lean six sigma and individuals who have 7890
achieved a black belt or master black belt certification from the 7891
LeanOhio office or an equivalent certification from a private 7892

sector office or entity. 7893

The appointment of an entrepreneur in residence is for one 7894
year. 7895

The office shall monitor the work of entrepreneurs in 7896
residence during the pilot program. 7897

An entrepreneur in residence serves at the pleasure of the 7898
LeanOhio office, and the office may discharge without cause an 7899
entrepreneur in residence. 7900

(D) The duties of an entrepreneur in residence may include 7901
any or all of the following: 7902

(1) Assisting the LeanOhio office in facilitating and 7903
developing the scope of lean process improvement events throughout 7904
state government; 7905

(2) Assisting the LeanOhio office in holding follow-up 7906
meetings to ensure the improvements developed at lean process 7907
improvement events are implemented; 7908

(3) Participating in strategic planning efforts for the 7909
LeanOhio office or other areas of state government; 7910

(4) Assisting the LeanOhio office with presentations on 7911
opportunities for state government to become more efficient and 7912
effective; 7913

(5) Facilitating meetings with businesses, state agencies, 7914
and local governments that may be affected by process improvements 7915
recommended by the LeanOhio office; 7916

(6) Assisting the LeanOhio office in providing continuous 7917
improvement training to state employees. 7918

(E) An entrepreneur in residence shall report directly to the 7919
LeanOhio office. 7920

An entrepreneur in residence is not entitled to compensation 7921

or any reimbursement from the LeanOhio office for expenses the 7922
entrepreneur in residence incurs in discharge of the entrepreneur 7923
in residence's duties. 7924

(F)(1) Not later than the date that is one year after an 7925
entrepreneur in residence was appointed, the entrepreneur in 7926
residence shall prepare a report about the entrepreneur's 7927
experiences in the program. In the report, the entrepreneur in 7928
residence shall make recommendations to the LeanOhio office that 7929
further the mission of the entrepreneur in residence program. In 7930
particular, the entrepreneur in residence shall make 7931
recommendations regarding all of the following: 7932

(a) Elimination of inefficient or duplicative programs or 7933
functions of state government that affect small businesses; 7934

(b) Methods of improving the efficiency of the programs or 7935
functions of state government that affect small businesses; 7936

(c) Any new program or function affecting small businesses 7937
that should be established and implemented by state government; 7938

(d) Any other matter that will further the mission of the 7939
entrepreneur in residence pilot program. 7940

The entrepreneur in residence shall provide a copy of the 7941
report to the LeanOhio office. 7942

(2) During or upon conclusion of the entrepreneur in 7943
residence pilot program, the LeanOhio office may convene an 7944
informal working group of entrepreneurs in residence to discuss 7945
best practices, experiences, and opportunities for and obstacles 7946
to operating small businesses as well as the recommendations in 7947
the reports prepared by the entrepreneurs in residence. 7948

(G) Upon conclusion of the entrepreneur in residence pilot 7949
program, and after considering the reports of the entrepreneurs in 7950
residence and information learned from any informal working group, 7951

the LeanOhio office shall prepare a report on the entrepreneur in residence pilot program. In the report, the office shall recommend whether the entrepreneur in residence pilot program should be repeated with or without modifications, made permanent with or without modifications, or abandoned. The office shall append the reports of the entrepreneurs in residence to its report. If the pilot program is repeated or made permanent, an individual who previously was assigned as an entrepreneur in residence shall not be reassigned as an entrepreneur in residence.

The LeanOhio office shall provide a copy of its report to the common sense initiative office. The common sense initiative office promptly shall transmit a copy of the report to the officials designated in the last paragraph of section 107.55 of the Revised Code.

Sec. 125.832. (A) The department of administrative services is granted exclusive authority over the acquisition and management of all motor vehicles used by state agencies. In carrying out this authority, the department shall do both of the following:

(1) Approve the purchase or lease of each motor vehicle for use by a state agency. The department shall decide if a motor vehicle shall be leased or purchased for that use.

Except as otherwise provided in division (A)(1) of this section, on and after July 1, 2005, each state agency shall acquire all passenger motor vehicles under the department's master leasing program. If the department determines that acquisition under that program is not the most economical method and if the department and the state agency acquiring the passenger motor vehicle can provide economic justification for doing so, the department may approve the purchase, rather than the lease, of a passenger motor vehicle for the acquiring state agency.

(2) Direct and approve all funds that are expended for the

purchase, lease, repair, maintenance, registration, insuring, and 7983
other costs related to the possession and operation of motor 7984
vehicles for the use of state agencies. 7985

(B) The director of administrative services shall establish 7986
and operate a fleet management program. The director shall operate 7987
the program for purposes including, but not limited to, 7988
cost-effective acquisition, maintenance, management, analysis, and 7989
disposal of all motor vehicles owned or leased by the state. All 7990
state agencies shall comply with statewide fleet management 7991
policies and procedures established by the director for the 7992
program, including, but not limited to, motor vehicle assignments, 7993
additions of motor vehicles to fleets or motor vehicle 7994
replacements, motor vehicle fueling, and motor vehicle repairs. 7995

(C) The director shall establish and maintain a fleet 7996
reporting system and shall require state agencies to submit to the 7997
department information relative to state motor vehicles, including 7998
motor vehicles described in division (G)(2) of section 125.831 of 7999
the Revised Code, to be used in operating the fleet management 8000
program. State agencies shall provide to the department fleet data 8001
and other information, including, but not limited to, mileage and 8002
costs. The data and other information shall be submitted in 8003
formats and in a manner determined by the department. 8004

(D) All state agency purchases or leases of motor vehicles 8005
are subject to the prior approval of the director under division 8006
(A)(1) of this section. 8007

(E) State agencies that utilize state motor vehicles or pay 8008
mileage reimbursements to employees shall provide a fleet plan to 8009
the department as directed by the department. 8010

(F)(1) The fleets of state agencies that consist of one 8011
hundred or less vehicles on July 1, 2004, shall be managed by the 8012
department's fleet management program on a time schedule 8013

determined by the department, unless the state agency has received 8014
delegated authority as described in division (G) of this section. 8015

(2) The fleets of state agencies that consist of greater than 8016
one hundred motor vehicles, but less than five hundred motor 8017
vehicles, on July 1, 2005, also shall be managed by the 8018
department's fleet management program on a time schedule 8019
determined by the department, unless the state agency has received 8020
delegated authority as described in division (G) of this section. 8021

(G)(1) The department may delegate any or all of its duties 8022
regarding fleet management to a state agency, if the state agency 8023
demonstrates to the satisfaction of the department both of the 8024
following: 8025

(a) Capabilities to institute and manage a fleet management 8026
program, including, but not limited to, the presence of a 8027
certified fleet manager; 8028

(b) Fleet management performance, as demonstrated by fleet 8029
data and other information submitted pursuant to annual reporting 8030
requirements and any other criteria the department considers 8031
necessary in evaluating the performance. 8032

(2) The department may determine that a state agency is not 8033
in compliance with this section and direct that the agency's fleet 8034
management duties be transferred to the department. 8035

(H) The proceeds derived from the disposition of any motor 8036
vehicles under this section shall be paid to whichever of the 8037
following applies: 8038

(1) The fund that originally provided moneys for the purchase 8039
or lease of the motor vehicles; 8040

(2) If the motor vehicles were originally purchased with 8041
moneys derived from the general revenue fund, the proceeds shall 8042
be deposited, in the director's discretion, into the state 8043

treasury to the credit of either the fleet management fund created 8044
by section 125.83 of the Revised Code or the investment recovery 8045
fund created by section 125.14 of the Revised Code. Any such 8046
proceeds deposited into the state treasury to the credit of the 8047
investment recovery fund may be transferred from the investment 8048
recovery fund to the fleet management fund. 8049

(I)(1) The department shall create and maintain a certified 8050
fleet manager program. 8051

(2) State agencies that have received delegated authority as 8052
described in division (G) of this section shall have a certified 8053
fleet manager. 8054

(J) The department annually shall prepare and submit a 8055
statewide fleet report to the governor, the speaker of the house 8056
of representatives, and the president of the senate. The report 8057
shall be submitted not later than the thirty-first day of January 8058
following the end of each fiscal year. It may include, but is not 8059
limited to, the numbers and types of motor vehicles, their 8060
mileage, miles per gallon, and cost per mile, mileage 8061
reimbursements, accident and insurance data, and information 8062
regarding compliance by state agencies having delegated authority 8063
under division (G) of this section with applicable fleet 8064
management requirements. 8065

(K) The director shall adopt rules for implementing the fleet 8066
management program that are consistent with recognized best 8067
practices. The program shall be supported by reasonable fee 8068
charges for the services provided. The director shall collect 8069
these fees and deposit them into the state treasury to the credit 8070
for the fleet management fund created by section 125.83 of the 8071
Revised Code. The setting and collection of fees under this 8072
division is not subject to any restriction imposed by law upon the 8073
director's or the department's authority to set or collect fees. 8074

(L) The director also shall adopt rules that prohibit, except 8075
in very limited circumstances, the exclusive assignment of 8076
state-owned, leased, or pooled motor vehicles to state employees 8077
and that prohibit the reimbursement under section 126.31 of the 8078
Revised Code of state employees who use their own motor vehicles 8079
for any mileage they incur above an amount that the department 8080
shall determine annually unless reimbursement for the excess 8081
mileage is approved by the department in accordance with standards 8082
for that approval the director shall establish in those rules. 8083
Beginning on September 26, 2003, no state-owned, leased, or pooled 8084
motor vehicle shall be personally assigned as any form of 8085
compensation or benefit of state employment, and no state-owned, 8086
leased, or pooled motor vehicle shall be assigned to an employee 8087
solely for commuting to and from home and work. 8088

(M) The director shall do both of the following: 8089

(1) Implement to the greatest extent possible the 8090
recommendations from the 2002 report entitled "Administrative 8091
Analysis of the Ohio Fleet Management Program" in connection with 8092
the authority granted to the department by this section; 8093

(2) Attempt to reduce the number of passenger vehicles used 8094
by state agencies during the fiscal years ending on June 30, 2004, 8095
and June 30, 2005. 8096

(N) Each state agency shall reimburse the department for all 8097
costs incurred in the assignment of motor vehicles to the state 8098
agency. 8099

(O) The director shall do all of the following in managing 8100
the fleet management program: 8101

(1) Determine how motor vehicles will be maintained, insured, 8102
operated, financed, and licensed; 8103

(2) Pursuant to the formula in division (O)(3) of this 8104
section, annually establish the minimum number of business miles 8105

per year an employee of a state agency must drive in order to 8106
qualify for approval by the department to receive a motor vehicle 8107
for business use; 8108

(3) Establish the minimum number of business miles per year 8109
at an amount that results when the annual motor vehicle cost is 8110
divided by the amount that is the reimbursement rate per mile 8111
minus the amount that is the sum of the fuel cost, the operating 8112
cost, and the insurance cost. As used in this division: 8113

(a) "Annual motor vehicle cost" means the price of a motor 8114
vehicle divided by the number of years an average motor vehicle is 8115
used. 8116

(b) "Fuel cost" means the average price per gallon of motor 8117
fuel divided by the miles per gallon fuel efficiency of a motor 8118
vehicle. 8119

(c) "Insurance cost" means the cost of insuring a motor 8120
vehicle per year divided by the number of miles an average motor 8121
vehicle is driven per year. 8122

(d) "Operating cost" means the maintenance cost of a motor 8123
vehicle per year divided by ~~the product resulting when~~ the number 8124
of miles an average motor vehicle is driven per year ~~is multiplied~~ 8125
~~by the number of years an average motor vehicle is used.~~ 8126

(e) "Reimbursement rate per mile" means the reimbursement per 8127
mile rate for travel expenses as provided by rule of the director 8128
of budget and management adopted under division (B) of section 8129
126.31 of the Revised Code. 8130

Sec. 125.95. (A) There is hereby created within the 8131
department of administrative services the prescription drug 8132
transparency and affordability advisory council. The department 8133
shall provide administrative support to the advisory council as 8134
necessary for the advisory council to carry out its duties under 8135

this section.	8136
(1) Members of the advisory council shall include the	8137
following:	8138
(a) The director of administrative services, <u>who shall serve</u>	8139
<u>as the advisory council's chairperson;</u>	8140
(b) The director of health;	8141
(c) The medicaid director;	8142
(d) The director of mental health and addiction services;	8143
(e) The administrator of workers' compensation.	8144
(2) Members of the advisory council shall also include	8145
individuals who are working to address prescription drug	8146
availability and affordability in any of the following areas:	8147
(a) Insurance;	8148
(b) Local, state, and federal government service;	8149
(c) Private industry;	8150
(d) Organizations of faith;	8151
(e) Health care providers;	8152
(f) Consumer organizations;	8153
(g) Prescription drug manufacturers;	8154
(h) Prescription drug wholesale distributors;	8155
(i) Pharmacists;	8156
(j) Business organizations;	8157
(k) Individuals concerned about mental health or substance	8158
abuse matters;	8159
(l) Advocates for individuals struggling to afford	8160
prescription drugs.	8161

The governor, the senate president, and the speaker of the house of representatives shall each appoint three members, each of whom represents at least one of the categories listed in divisions (A)(2)(a) to (1) of this section.

(B) Members shall serve without compensation. Initial appointments shall be made not later than sixty days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(C) Not later than six months after the date of initial appointments under division (B) of this section, the advisory council shall submit a report to the governor, the general assembly, and the chairperson of the joint medicaid oversight committee in accordance with section 101.68 of the Revised Code. The report shall include recommendations on all of the following:

(1) How this state can best achieve prescription drug price transparency;

(2) New payment models or other avenues to create the most affordable environment for purchasing prescription drugs;

(3) Leveraging this state's purchasing power across all state agencies, boards, commissions, and similar entities;

(4) Creating efficiencies across different health care systems, such as hospitals, the criminal justice system, treatment and recovery support programs, and employer-sponsored health insurance, to reduce duplicative service delivery across these systems, ensure that patients receive high quality and affordable prescription drugs, and support quality care and outcomes;

(5) Which critical outcomes can be measured and used to improve this state's system of purchasing affordable prescribed drugs;

(6) How federal, state, and local resources are being used to

optimize these outcomes and identify where the resources can be 8192
better coordinated or redirected to meet the needs of consumers in 8193
this state. 8194

(D) State agencies, boards, commissions, and similar entities 8195
shall cooperate with and provide assistance to the advisory 8196
council as necessary for the advisory council to carry out its 8197
duties under this section. 8198

(E) Upon completion of the report described in division (C) 8199
of this section, the advisory council shall meet ~~not less than~~ 8200
~~quarterly~~ at the call of its chairperson to provide assistance and 8201
guidance relating to the recommendations in the report. 8202

Sec. 126.37. (A) The director of budget and management ~~shall~~ 8203
~~void any warrant the director draws on the state treasury pursuant~~ 8204
~~to Chapter 5733. or 5747. of the Revised Code that is not~~ 8205
~~presented for payment to the treasurer of state within two years~~ 8206
~~after the date of issuance and shall void any other warrant the~~ 8207
director draws on the state treasury that is not presented for 8208
payment to the treasurer of state within ninety days after the 8209
date of issuance. 8210

(B) If a warrant voided pursuant to division (A) of this 8211
section was drawn against an appropriation of the current fiscal 8212
year and the holder of the voided warrant presents the warrant for 8213
reissuance, in the same fiscal year, to the state agency that made 8214
the payment originally, the agency shall prepare a voucher for the 8215
holder of the voided warrant, in the amount shown on the warrant 8216
that has been voided, against the same appropriation of the same 8217
fiscal year if the agency is satisfied that payment is proper. 8218

(C) If a warrant was drawn against an appropriation of the 8219
first fiscal year of the fiscal biennium and voided pursuant to 8220
division (A) of this section in either fiscal year of the biennium 8221
and if the holder of the voided warrant presents the warrant for 8222

reissuance, in the second fiscal year of the biennium, to the 8223
state agency that made the payment originally, the agency shall 8224
prepare a voucher for the holder of the voided warrant, in the 8225
amount shown on the warrant that has been voided, against funds 8226
transferred to the agency by the director pursuant to section 8227
131.33 of the Revised Code, if the agency is satisfied that 8228
payment is proper. If no such funds are available for transfer, 8229
the agency shall prepare the voucher against any unexpended 8230
appropriations of the current fiscal year available to it. 8231

(D) If a warrant was drawn against an appropriation and, 8232
during the same biennium, was voided pursuant to division (A) of 8233
this section, and if, after that biennium, the holder of the 8234
voided warrant presents the warrant for reissuance to the state 8235
agency that made the payment originally, the agency shall prepare 8236
a voucher for the holder of the voided warrant, in the amount 8237
shown on the warrant that has been voided, against any 8238
appropriation of the current fiscal year made to the agency if the 8239
agency is satisfied that payment is proper. 8240

(E) If a warrant voided pursuant to division (A) of this 8241
section was drawn against an appropriation of a previous fiscal 8242
year and voided after that fiscal biennium and if the holder of 8243
the voided warrant presents the warrant for reissuance to the 8244
state agency that made the payment originally, the agency shall 8245
forward the warrant to the director with a request for reissuance. 8246
The director shall make payment to the holder of the voided 8247
warrant, in the amount shown on the warrant that has been voided, 8248
against an appropriation of the current fiscal year made to the 8249
director for the reissuance of voided warrants, if the director is 8250
satisfied that reissuance of the warrant is proper. 8251

Sec. 127.13. The director of budget and management or ~~his~~ the 8252
director's designee shall be president of the controlling board. 8253

The president shall prepare the proposed agenda for the meetings 8254
of the board and shall provide, at least ~~seven~~ fourteen days prior 8255
to the meeting, copies of the proposed agenda and supporting 8256
documentation to the members of the board and to ~~the legislative~~ 8257
~~budget office~~ of the legislative service commission. 8258

The director shall designate an employee of the office of 8259
budget and management to serve as secretary of the controlling 8260
board. The secretary shall assist the president of the board and 8261
shall make and keep a record of each request received by the board 8262
and of its action thereon. The secretary shall certify a copy of 8263
the record of each action to each member of the board and to the 8264
director. 8265

The controlling board may adopt procedural rules for the 8266
conduct of the business of the board, may approve, disapprove, 8267
modify as to specific dollar amounts, or defer requests, and may 8268
require that a request from the senate, the house of 8269
representatives, the supreme court, or an elected member of the 8270
executive department as defined in Section 1 of Article III, Ohio 8271
Constitution, not currently before the controlling board be added 8272
to the agenda for a specified future meeting of the board, 8273
provided that such request has been previously submitted to the 8274
president for inclusion in the agenda for a board meeting. The 8275
controlling board also may adopt rules authorizing the president 8276
to act on its behalf in exigent circumstances affecting the public 8277
health, safety, or welfare. 8278

The affirmative vote of no fewer than four members of the 8279
controlling board shall be required for any action of the board. 8280
The board shall meet at least once a month. 8281

Sec. 128.55. (A)(1) The tax commissioner, not later than the 8282
last day of each month, shall disburse moneys from the wireless 8283
9-1-1 government assistance fund, plus any accrued interest on the 8284

fund, to each county treasurer- 8285

~~(a) If there are sufficient funds in the wireless 9-1-1 government assistance fund, each county treasurer shall receive the same amount proportion distributed to that county by the public utilities commission tax commissioner in the corresponding calendar month in 2013.~~ 8286
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~~(b) If the funds available are insufficient to make the distributions as provided in division (A)(1)(a) of this section, each county's share shall be reduced in proportion to the amounts received in the corresponding calendar month in 2013, until the total amount to be distributed to the counties is equivalent to the amount available in the wireless 9-1-1 government assistance fund of the previous year. Any shortfall in distributions resulting from ~~insufficient~~ the timing of funds from received in a previous month shall be ~~remedied~~ distributed in the following month.~~ 8291
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(2) The tax commissioner shall disburse moneys from the next generation 9-1-1 fund in accordance with the guidelines established under section 128.022 of the Revised Code. 8301
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(B) Immediately upon receipt by a county treasurer of a disbursement under division (A) of this section, the county shall disburse, in accordance with the allocation formula set forth in the final plan, the amount the county so received to any other subdivisions in the county and any regional councils of governments in the county that pay the costs of a public safety answering point providing wireless enhanced 9-1-1 under the plan. 8304
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(C) Nothing in this chapter affects the authority of a subdivision operating or served by a public safety answering point of a 9-1-1 system or a regional council of governments operating a public safety answering point of a 9-1-1 system to use, as provided in the final plan for the system or in an agreement under 8311
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section 128.09 of the Revised Code, any other authorized revenue 8316
of the subdivision or the regional council of governments for the 8317
purposes of providing basic or enhanced 9-1-1. 8318

Sec. 131.02. (A) Except as otherwise provided in section 8319
4123.37, section 5703.061, and division (K) of section 4123.511 of 8320
the Revised Code, whenever any amount is payable to the state, the 8321
officer, employee, or agent responsible for administering the law 8322
under which the amount is payable shall immediately proceed to 8323
collect the amount or cause the amount to be collected and shall 8324
pay the amount into the state treasury or into the appropriate 8325
custodial fund in the manner set forth pursuant to section 113.08 8326
of the Revised Code. Except as otherwise provided in this 8327
division, if the amount is not paid within forty-five days after 8328
payment is due, the officer, employee, or agent shall certify the 8329
amount due to the attorney general, in the form and manner 8330
prescribed by the attorney general, and notify the director of 8331
budget and management thereof. In the case of an amount payable by 8332
a student enrolled in a state institution of higher education, the 8333
amount shall be certified within the later of forty-five days 8334
after the amount is due or the tenth day after the beginning of 8335
the next academic semester, quarter, or other session following 8336
the session for which the payment is payable. The attorney general 8337
may assess the collection cost to the amount certified in such 8338
manner and amount as prescribed by the attorney general. If an 8339
amount payable to a political subdivision is past due, the 8340
political subdivision may, with the approval of the attorney 8341
general, certify the amount to the attorney general pursuant to 8342
this section. 8343

For the purposes of this section, the attorney general and 8344
the officer, employee, or agent responsible for administering the 8345
law under which the amount is payable shall agree on the time a 8346
payment is due, and that agreed upon time shall be one of the 8347

following times: 8348

(1) If a law, including an administrative rule, of this state 8349
prescribes the time a payment is required to be made or reported, 8350
when the payment is required by that law to be paid or reported. 8351

(2) If the payment is for services rendered, when the 8352
rendering of the services is completed. 8353

(3) If the payment is reimbursement for a loss, when the loss 8354
is incurred. 8355

(4) In the case of a fine or penalty for which a law or 8356
administrative rule does not prescribe a time for payment, when 8357
the fine or penalty is first assessed. 8358

(5) If the payment arises from a legal finding, judgment, or 8359
adjudication order, when the finding, judgment, or order is 8360
rendered or issued. 8361

(6) If the payment arises from an overpayment of money by the 8362
state to another person, when the overpayment is discovered. 8363

(7) The date on which the amount for which an individual is 8364
personally liable under section 5735.35, section 5739.33, or 8365
division (G) of section 5747.07 of the Revised Code is determined. 8366

(8) Upon proof of claim being filed in a bankruptcy case. 8367

(9) Any other appropriate time determined by the attorney 8368
general and the officer, employee, or agent responsible for 8369
administering the law under which the amount is payable on the 8370
basis of statutory requirements or ordinary business processes of 8371
the ~~state~~ agency, institution, or political subdivision to which 8372
the payment is owed. 8373

(B)(1) The attorney general shall give immediate notice by 8374
mail or otherwise to the party indebted of the nature and amount 8375
of the indebtedness. 8376

(2) If the amount payable to this state arises from a tax 8377

levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following:

- (a) The assessment or case number;
- (b) The tax pursuant to which the assessment is made;
- (c) The reason for the liability, including, if applicable, that a penalty or interest is due;
- (d) An explanation of how and when interest will be added to the amount assessed;
- (e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state.

(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection.

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 5703.47 of the Revised Code.

(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:

- (1) Compromise the claim;
- (2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.
- (3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.

(F)(1) Except as provided in division (F)(2) of this section,

if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:

(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;

(b) Cancel the claim or cause it to be canceled.

(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims.

(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the dates specified in divisions (F)(3)(a) and (b) of this section, provided that such period shall be extended by the period of any stay to such collection or by any other period to which the parties mutually agree. If the initial action in aid of execution is commenced before the later of the dates specified in divisions (F)(3)(a) and (b) of this section, any and all subsequent actions may be pursued in aid of execution of judgment for as long as the debt exists.

(a) Seven years after the assessment of the tax, penalty, interest, or additional charge is issued.

(b) Four years after the assessment of the tax, penalty, interest, or additional charge becomes final. For the purposes of division (F)(3)(b) of this section, the assessment becomes final at the latest of the following: upon expiration of the period to

petition for reassessment, or if applicable, to appeal a final 8438
determination of the commissioner or decision of the board of tax 8439
appeals or a court, or, if applicable, upon decision of the United 8440
States supreme court. 8441

For the purposes of division (F)(3) of this section, an 8442
initial action to collect a tax debt is commenced at the time when 8443
a certified copy of the tax commissioner's entry making an 8444
assessment final has been filed in the office of the clerk of 8445
court of common pleas in the county in which the taxpayer resides 8446
or has its principal place of business in this state, or in the 8447
office of the clerk of court of common pleas of Franklin county, 8448
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 8449
the Revised Code or in any other applicable law requiring such a 8450
filing. If an assessment has not been issued and there is no time 8451
limitation on the issuance of an assessment under applicable law, 8452
an action to collect a tax debt commences when the action is filed 8453
in the courts of this state to collect the liability. 8454

(4) If information contained in a claim that is sold, 8455
conveyed, or transferred to a private entity pursuant to this 8456
section is confidential pursuant to federal law or a section of 8457
the Revised Code that implements a federal law governing 8458
confidentiality, such information remains subject to that law 8459
during and following the sale, conveyance, or transfer. 8460

(5) The attorney general may adopt rules to aid in the 8461
implementation of this section. 8462

Sec. 131.025. The attorney general shall enter into an 8463
agreement with the United States secretary of the treasury to 8464
participate in the federal treasury offset program for the 8465
collection of the following debts certified to the attorney 8466
general pursuant to section 131.02 of the Revised Code: 8467

(A) State income tax obligations pursuant to 26 U.S.C. 8468

6402(e); 8469

(B) Covered unemployment compensation debts pursuant to 26 8470
U.S.C. 6402(f). 8471

For the purpose of this section, "state income tax" includes 8472
taxes levied pursuant to Chapter 718. of the Revised Code to the 8473
extent that such taxes qualify for the federal treasury offset 8474
program under 26 U.S.C. 6402(e). Notwithstanding section 718.01 of 8475
the Revised Code, for the sole purpose of meeting the requirements 8476
of the federal treasury offset program, the attorney general is 8477
the tax administrator, as defined in that section, respecting 8478
delinquencies arising from taxes levied pursuant to Chapter 718. 8479
of the Revised Code once delinquency is certified to the attorney 8480
general for collection under section 131.02 of the Revised Code. 8481

Sec. 131.43. There is hereby created in the state treasury 8482
the budget stabilization fund. All investment earnings of the fund 8483
shall be credited to the fund. It is the intent of the general 8484
assembly to maintain an amount of money in the budget 8485
stabilization fund that amounts to approximately eight and 8486
one-half per cent of the general revenue fund revenues for the 8487
preceding fiscal year. The governor shall include in the state 8488
budget the governor submits to the general assembly under section 8489
107.03 of the Revised Code proposals for transfers between the 8490
general revenue fund and the budget stabilization fund for the 8491
ensuing fiscal biennium. The balance in the fund may be combined 8492
with the balance in the general revenue fund for purposes of cash 8493
management. 8494

Sec. 133.06. (A) A school district shall not incur, without a 8495
vote of the electors, net indebtedness that exceeds an amount 8496
equal to one-tenth of one per cent of its tax valuation, except as 8497
provided in divisions (G) and (H) of this section and in division 8498

(D) of section 3313.372 of the Revised Code, or as prescribed in 8499
section 3318.052 or 3318.44 of the Revised Code, or as provided in 8500
division (J) of this section. 8501

(B) Except as provided in divisions (E), (F), and (I) of this 8502
section, a school district shall not incur net indebtedness that 8503
exceeds an amount equal to nine per cent of its tax valuation. 8504

(C) A school district shall not submit to a vote of the 8505
electors the question of the issuance of securities in an amount 8506
that will make the district's net indebtedness after the issuance 8507
of the securities exceed an amount equal to four per cent of its 8508
tax valuation, unless the superintendent of public instruction, 8509
acting under policies adopted by the state board of education, and 8510
the tax commissioner, acting under written policies of the 8511
commissioner, consent to the submission. A request for the 8512
consents shall be made at least one hundred twenty days prior to 8513
the election at which the question is to be submitted. 8514

The superintendent of public instruction shall certify to the 8515
district the superintendent's and the tax commissioner's decisions 8516
within thirty days after receipt of the request for consents. 8517

If the electors do not approve the issuance of securities at 8518
the election for which the superintendent of public instruction 8519
and tax commissioner consented to the submission of the question, 8520
the school district may submit the same question to the electors 8521
on the date that the next special election may be held under 8522
section 3501.01 of the Revised Code without submitting a new 8523
request for consent. If the school district seeks to submit the 8524
same question at any other subsequent election, the district shall 8525
first submit a new request for consent in accordance with this 8526
division. 8527

(D) In calculating the net indebtedness of a school district, 8528
none of the following shall be considered: 8529

(1) Securities issued to acquire school buses and other equipment used in transporting pupils or issued pursuant to division (D) of section 133.10 of the Revised Code;	8530 8531 8532
(2) Securities issued under division (F) of this section and, to the extent in excess of the limitation stated in division (B) of this section, under division (E) of this section;	8533 8534 8535
(3) Indebtedness resulting from the dissolution of a joint vocational school district under section 3311.217 of the Revised Code, evidenced by outstanding securities of that joint vocational school district;	8536 8537 8538 8539
(4) Loans, evidenced by any securities, received under sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;	8540 8541
(5) Debt incurred under section 3313.374 of the Revised Code;	8542
(6) Debt incurred pursuant to division (B)(5) of section 3313.37 of the Revised Code to acquire computers and related hardware;	8543 8544 8545
(7) Debt incurred under section 3318.042 of the Revised Code;	8546
(8) Debt incurred under section 5705.2112 or 5705.2113 of the Revised Code by the fiscal board of a qualifying partnership of which the school district is a participating school district.	8547 8548 8549
(E) A school district may become a special needs district as to certain securities as provided in division (E) of this section.	8550 8551
(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:	8552 8553 8554
(a) The student population is not being adequately serviced by the existing permanent improvements of the district.	8555 8556
(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent	8557 8558 8559

improvements in time to meet the needs. 8560

(2) The board of education shall certify a copy of that 8561
resolution to the superintendent of public instruction with a 8562
statistical report showing all of the following: 8563

(a) The history of and a projection of the growth of the tax 8564
valuation; 8565

(b) The projected needs; 8566

(c) The estimated cost of permanent improvements proposed to 8567
meet such projected needs. 8568

(3) The superintendent of public instruction shall certify 8569
the district as an approved special needs district if the 8570
superintendent finds both of the following: 8571

(a) The district does not have available sufficient 8572
additional funds from state or federal sources to meet the 8573
projected needs. 8574

(b) The projection of the potential average growth of tax 8575
valuation during the next five years, according to the information 8576
certified to the superintendent and any other information the 8577
superintendent obtains, indicates a likelihood of potential 8578
average growth of tax valuation of the district during the next 8579
five years of an average of not less than one and one-half per 8580
cent per year. The findings and certification of the 8581
superintendent shall be conclusive. 8582

(4) An approved special needs district may incur net 8583
indebtedness by the issuance of securities in accordance with the 8584
provisions of this chapter in an amount that does not exceed an 8585
amount equal to the greater of the following: 8586

(a) Twelve per cent of the sum of its tax valuation plus an 8587
amount that is the product of multiplying that tax valuation by 8588
the percentage by which the tax valuation has increased over the 8589

tax valuation on the first day of the sixtieth month preceding the 8590
month in which its board determines to submit to the electors the 8591
question of issuing the proposed securities; 8592

(b) Twelve per cent of the sum of its tax valuation plus an 8593
amount that is the product of multiplying that tax valuation by 8594
the percentage, determined by the superintendent of public 8595
instruction, by which that tax valuation is projected to increase 8596
during the next ten years. 8597

(F) A school district may issue securities for emergency 8598
purposes, in a principal amount that does not exceed an amount 8599
equal to three per cent of its tax valuation, as provided in this 8600
division. 8601

(1) A board of education, by resolution, may declare an 8602
emergency if it determines both of the following: 8603

(a) School buildings or other necessary school facilities in 8604
the district have been wholly or partially destroyed, or condemned 8605
by a constituted public authority, or that such buildings or 8606
facilities are partially constructed, or so constructed or planned 8607
as to require additions and improvements to them before the 8608
buildings or facilities are usable for their intended purpose, or 8609
that corrections to permanent improvements are necessary to remove 8610
or prevent health or safety hazards. 8611

(b) Existing fiscal and net indebtedness limitations make 8612
adequate replacement, additions, or improvements impossible. 8613

(2) Upon the declaration of an emergency, the board of 8614
education may, by resolution, submit to the electors of the 8615
district pursuant to section 133.18 of the Revised Code the 8616
question of issuing securities for the purpose of paying the cost, 8617
in excess of any insurance or condemnation proceeds received by 8618
the district, of permanent improvements to respond to the 8619
emergency need. 8620

(3) The procedures for the election shall be as provided in 8621
section 133.18 of the Revised Code, except that: 8622

(a) The form of the ballot shall describe the emergency 8623
existing, refer to this division as the authority under which the 8624
emergency is declared, and state that the amount of the proposed 8625
securities exceeds the limitations prescribed by division (B) of 8626
this section; 8627

(b) The resolution required by division (B) of section 133.18 8628
of the Revised Code shall be certified to the county auditor and 8629
the board of elections at least one hundred days prior to the 8630
election; 8631

(c) The county auditor shall advise and, not later than 8632
ninety-five days before the election, confirm that advice by 8633
certification to, the board of education of the information 8634
required by division (C) of section 133.18 of the Revised Code; 8635

(d) The board of education shall then certify its resolution 8636
and the information required by division (D) of section 133.18 of 8637
the Revised Code to the board of elections not less than ninety 8638
days prior to the election. 8639

(4) Notwithstanding division (B) of section 133.21 of the 8640
Revised Code, the first principal payment of securities issued 8641
under this division may be set at any date not later than sixty 8642
months after the earliest possible principal payment otherwise 8643
provided for in that division. 8644

(G)(1) The board of education may contract with an architect, 8645
professional engineer, or other person experienced in the design 8646
and implementation of energy conservation measures for an analysis 8647
and recommendations pertaining to installations, modifications of 8648
installations, or remodeling that would significantly reduce 8649
energy consumption in buildings owned by the district. The report 8650
shall include estimates of all costs of such installations, 8651

modifications, or remodeling, including costs of design, 8652
engineering, installation, maintenance, repairs, measurement and 8653
verification of energy savings, and debt service, forgone residual 8654
value of materials or equipment replaced by the energy 8655
conservation measure, as defined by the Ohio facilities 8656
construction commission, a baseline analysis of actual energy 8657
consumption data for the preceding three years with the utility 8658
baseline based on only the actual energy consumption data for the 8659
preceding twelve months, and estimates of the amounts by which 8660
energy consumption and resultant operational and maintenance 8661
costs, as defined by the commission, would be reduced. 8662

If the board finds after receiving the report that the amount 8663
of money the district would spend on such installations, 8664
modifications, or remodeling is not likely to exceed the amount of 8665
money it would save in energy and resultant operational and 8666
maintenance costs over the ensuing fifteen years, the board may 8667
submit to the commission a copy of its findings and a request for 8668
approval to incur indebtedness to finance the making or 8669
modification of installations or the remodeling of buildings for 8670
the purpose of significantly reducing energy consumption. 8671

The facilities construction commission, in consultation with 8672
the auditor of state, may deny a request under division (G)(1) of 8673
this section by the board of education of any school district that 8674
is in a state of fiscal watch pursuant to division (A) of section 8675
3316.03 of the Revised Code, if it determines that the expenditure 8676
of funds is not in the best interest of the school district. 8677

No district board of education of a school district that is 8678
in a state of fiscal emergency pursuant to division (B) of section 8679
3316.03 of the Revised Code shall submit a request without 8680
submitting evidence that the installations, modifications, or 8681
remodeling have been approved by the district's financial planning 8682
and supervision commission established under section 3316.05 of 8683

the Revised Code. 8684

No board of education of a school district for which an 8685
academic distress commission has been established under section 8686
3302.10 of the Revised Code shall submit a request without first 8687
receiving approval to incur indebtedness from the district's 8688
academic distress commission established under that section, for 8689
so long as such commission continues to be required for the 8690
district. 8691

(2) The board of education may contract with a person 8692
experienced in the implementation of student transportation to 8693
produce a report that includes an analysis of and recommendations 8694
for the use of alternative fuel vehicles by school districts. The 8695
report shall include cost estimates detailing the return on 8696
investment over the life of the alternative fuel vehicles and 8697
environmental impact of alternative fuel vehicles. The report also 8698
shall include estimates of all costs associated with alternative 8699
fuel transportation, including facility modifications and vehicle 8700
purchase costs or conversion costs. 8701

If the board finds after receiving the report that the amount 8702
of money the district would spend on purchasing alternative fuel 8703
vehicles or vehicle conversion is not likely to exceed the amount 8704
of money it would save in fuel and resultant operational and 8705
maintenance costs over the ensuing five years, the board may 8706
submit to the commission a copy of its findings and a request for 8707
approval to incur indebtedness to finance the purchase of new 8708
alternative fuel vehicles or vehicle conversions for the purpose 8709
of reducing fuel costs. 8710

The facilities construction commission, in consultation with 8711
the auditor of state, may deny a request under division (G)(2) of 8712
this section by the board of education of any school district that 8713
is in a state of fiscal watch pursuant to division (A) of section 8714
3316.03 of the Revised Code, if it determines that the expenditure 8715

of funds is not in the best interest of the school district. 8716

No district board of education of a school district that is 8717
in a state of fiscal emergency pursuant to division (B) of section 8718
3316.03 of the Revised Code shall submit a request without 8719
submitting evidence that the purchase or conversion of alternative 8720
fuel vehicles has been approved by the district's financial 8721
planning and supervision commission established under section 8722
3316.05 of the Revised Code. 8723

No board of education of a school district for which an 8724
academic distress commission has been established under section 8725
3302.10 of the Revised Code shall submit a request without first 8726
receiving approval to incur indebtedness from the district's 8727
academic distress commission established under that section, for 8728
so long as such commission continues to be required for the 8729
district. 8730

(3) The facilities construction commission shall approve the 8731
board's request provided that the following conditions are 8732
satisfied: 8733

(a) The commission determines that the board's findings are 8734
reasonable. 8735

(b) The request for approval is complete. 8736

(c) If the request was submitted under division (G)(1) of 8737
this section, the installations, modifications, or remodeling are 8738
consistent with any project to construct or acquire classroom 8739
facilities, or to reconstruct or make additions to existing 8740
classroom facilities under sections 3318.01 to 3318.20 or sections 8741
3318.40 to 3318.45 of the Revised Code. 8742

Upon receipt of the commission's approval, the district may 8743
issue securities without a vote of the electors in a principal 8744
amount not to exceed nine-tenths of one per cent of its tax 8745
valuation for the purpose specified in division (G)(1) or (2) of 8746

this section, but the total net indebtedness of the district 8747
without a vote of the electors incurred under this and all other 8748
sections of the Revised Code, except section 3318.052 of the 8749
Revised Code, shall not exceed one per cent of the district's tax 8750
valuation. 8751

(4)(a) So long as any securities issued under division (G)(1) 8752
of this section remain outstanding, the board of education shall 8753
monitor the energy consumption and resultant operational and 8754
maintenance costs of buildings in which installations or 8755
modifications have been made or remodeling has been done pursuant 8756
to that division. Except as provided in division (G)(4)(b) of this 8757
section, the board shall maintain and annually update a report in 8758
a form and manner prescribed by the facilities construction 8759
commission documenting the reductions in energy consumption and 8760
resultant operational and maintenance cost savings attributable to 8761
such installations, modifications, or remodeling. The resultant 8762
operational and maintenance cost savings shall be certified by the 8763
school district treasurer. The report shall be submitted annually 8764
to the commission. 8765

(b) If the facilities construction commission verifies that 8766
the certified annual reports submitted to the commission by a 8767
board of education under division (G)(4)(a) of this section 8768
fulfill the guarantee required under division (B) of section 8769
3313.372 of the Revised Code for three consecutive years, the 8770
board of education shall no longer be subject to the annual 8771
reporting requirements of division (G)(4)(a) of this section. 8772

(5) So long as any securities issued under division (G)(2) of 8773
this section remain outstanding, the board of education shall 8774
monitor the purchase of new alternative fuel vehicles or vehicle 8775
conversions pursuant to that division. The board shall maintain 8776
and annually update a report in a form and manner prescribed by 8777
the facilities construction commission documenting the purchase of 8778

new alternative fuel vehicles or vehicle conversions, the 8779
associated environmental impact, and return on investment. The 8780
resultant fuel and operational and maintenance cost savings shall 8781
be certified by the school district treasurer. The report shall be 8782
submitted annually to the commission. 8783

(H) With the consent of the superintendent of public 8784
instruction, a school district may incur without a vote of the 8785
electors net indebtedness that exceeds the amounts stated in 8786
divisions (A) and (G) of this section for the purpose of paying 8787
costs of permanent improvements, if and to the extent that both of 8788
the following conditions are satisfied: 8789

(1) The fiscal officer of the school district estimates that 8790
receipts of the school district from payments made under or 8791
pursuant to agreements entered into pursuant to section 725.02, 8792
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 8793
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 8794
of the Revised Code, or distributions under division (C) of 8795
section 5709.43 or division (B) of section 5709.47 of the Revised 8796
Code, or any combination thereof, are, after accounting for any 8797
appropriate coverage requirements, sufficient in time and amount, 8798
and are committed by the proceedings, to pay the debt charges on 8799
the securities issued to evidence that indebtedness and payable 8800
from those receipts, and the taxing authority of the district 8801
confirms the fiscal officer's estimate, which confirmation is 8802
approved by the superintendent of public instruction; 8803

(2) The fiscal officer of the school district certifies, and 8804
the taxing authority of the district confirms, that the district, 8805
at the time of the certification and confirmation, reasonably 8806
expects to have sufficient revenue available for the purpose of 8807
operating such permanent improvements for their intended purpose 8808
upon acquisition or completion thereof, and the superintendent of 8809
public instruction approves the taxing authority's confirmation. 8810

The maximum maturity of securities issued under division (H) 8811
of this section shall be the lesser of twenty years or the maximum 8812
maturity calculated under section 133.20 of the Revised Code. 8813

(I) A school district may incur net indebtedness by the 8814
issuance of securities in accordance with the provisions of this 8815
chapter in excess of the limit specified in division (B) or (C) of 8816
this section when necessary to raise the school district portion 8817
of the basic project cost and any additional funds necessary to 8818
participate in a project under Chapter 3318. of the Revised Code, 8819
including the cost of items designated by the facilities 8820
construction commission as required locally funded initiatives, 8821
the cost of other locally funded initiatives in an amount that 8822
does not exceed fifty per cent of the district's portion of the 8823
basic project cost, and the cost for site acquisition. ~~The~~ 8824
~~commission~~ A school district shall notify the superintendent of 8825
public instruction whenever ~~a school~~ that district will exceed 8826
either limit pursuant to this division. 8827

(J) A school district whose portion of the basic project cost 8828
of its classroom facilities project under sections 3318.01 to 8829
3318.20 of the Revised Code is greater than or equal to one 8830
hundred million dollars may incur without a vote of the electors 8831
net indebtedness in an amount up to two per cent of its tax 8832
valuation through the issuance of general obligation securities in 8833
order to generate all or part of the amount of its portion of the 8834
basic project cost if the controlling board has approved the 8835
facilities construction commission's conditional approval of the 8836
project under section 3318.04 of the Revised Code. The school 8837
district board and the Ohio facilities construction commission 8838
shall include the dedication of the proceeds of such securities in 8839
the agreement entered into under section 3318.08 of the Revised 8840
Code. No state moneys shall be released for a project to which 8841
this section applies until the proceeds of any bonds issued under 8842

this section that are dedicated for the payment of the school 8843
district portion of the project are first deposited into the 8844
school district's project construction fund. 8845

Sec. 133.13. If the special assessments are to be paid in one 8846
annual installment, the taxing authority of a subdivision may 8847
issue securities in anticipation of its levy or collection of 8848
special assessments to pay the costs of the subdivision's 8849
broadband funding gap portion for an eligible project under 8850
sections 122.40 to 122.4077 of the Revised Code, lighting, 8851
sprinkling, sweeping, cleaning, providing related or similar 8852
services or the services described in section 727.011 of the 8853
Revised Code, or of removing snow, ice, and debris from, or 8854
treating the surface of, streets, alleys, and public ways and 8855
places. 8856

Such securities shall not be general obligations of the 8857
issuing subdivision, and shall not pledge to the payment of debt 8858
charges any receipts other than the special assessments 8859
anticipated, except that a municipal corporation, without 8860
incurring debt subject to direct or indirect debt limitations, may 8861
also pledge and apply proceeds of its municipal income tax to pay 8862
those debt charges. No property tax shall be levied or pledged for 8863
the payment of debt charges on the securities. The securities 8864
shall mature no later than the last day of December of the year in 8865
which the special assessments anticipated are scheduled to be 8866
collected. 8867

The legislation authorizing the securities shall appropriate 8868
the special assessments anticipated, and such special assessments 8869
shall be deemed to be pledged and appropriated, first to the 8870
payment of the debt charges on the securities. After provision has 8871
been made for the payment in full of those debt charges, the 8872
balance of the special assessments may be appropriated and applied 8873

for the purposes for which they were levied. 8874

Sec. 149.309. (A) The Ohio commission for the United States 8875
semiquincentennial is established to plan, encourage, develop, and 8876
coordinate the commemoration of the two hundred fiftieth 8877
anniversary of the founding of the United States and the impact of 8878
Ohioans on the nation's past, present, and future. 8879

(B) The commission shall consist of the following members: 8880

(1) Two members of the senate, one of whom shall be appointed 8881
by the president of the senate and one of whom shall be appointed 8882
by the minority leader of the senate; 8883

(2) Two members of the house of representatives, one of whom 8884
shall be appointed by the speaker of the house of representatives 8885
and one of whom shall be appointed by the minority leader of the 8886
house of representatives; 8887

(3) Twenty members who are private citizens, of whom: 8888

(a) Four shall be appointed by the governor; 8889

(b) Four shall be appointed by the president of the senate; 8890

(c) Four shall be appointed by the minority leader of the 8891
senate; 8892

(d) Four shall be appointed by the speaker of the house of 8893
representatives; 8894

(e) Four shall be appointed by the minority leader of the 8895
house of representatives. 8896

(4) The governor shall designate one of the private citizens 8897
members as the chairperson of the commission. 8898

(5) The following individuals shall be ex officio, nonvoting 8899
members of the commission: 8900

(a) The secretary of state; 8901

<u>(b) The attorney general;</u>	8902
<u>(c) The auditor of state;</u>	8903
<u>(d) The treasurer of state;</u>	8904
<u>(e) The president of the board of trustees of the Ohio</u> <u>history connection;</u>	8905 8906
<u>(f) The director of transportation;</u>	8907
<u>(g) The superintendent of public instruction;</u>	8908
<u>(h) The chancellor of higher education;</u>	8909
<u>(i) The director of natural resources;</u>	8910
<u>(j) The adjutant general;</u>	8911
<u>(k) The chairperson of the board of the Ohio arts council;</u>	8912
<u>(l) The director of public safety;</u>	8913
<u>(m) The superintendent of the Ohio state highway patrol.</u>	8914
<u>(C) A member shall be appointed for the duration of the</u> <u>commission, so long as the member continues to hold the office</u> <u>that entitled the member to the position on the commission. A</u> <u>vacancy on the commission shall be filled in the same manner as</u> <u>the original appointment. The members of the commission shall</u> <u>receive no compensation for service on the commission, except for</u> <u>reimbursement for reasonable travel expenses.</u>	8915 8916 8917 8918 8919 8920 8921
<u>(D) Meetings of the commission shall be held throughout this</u> <u>state at times and locations determined by the chairperson. A</u> <u>majority of the members of the commission constitute a quorum, but</u> <u>a lesser number of members may hold hearings subject to the call</u> <u>of the chairperson.</u>	8922 8923 8924 8925 8926
<u>(E) The commission shall do all of the following:</u>	8927
<u>(1) Plan, coordinate, and implement an overall program</u> <u>commemorating the two hundred fiftieth anniversary of the founding</u>	8928 8929

of the United States in the year 2026; 8930

(2) Plan, coordinate, and implement an exposition to showcase the unique features and talents of Ohio and Ohioans, known as the Ohio pavilion; 8931
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(3) Coordinate with all federal, state, and local agencies on infrastructural improvements and projects to welcome regional, national, and international tourists; 8934
8935
8936

(4) Establish and maintain an official web site that is available and accessible to the public. 8937
8938

(F) In preparing plans and an overall program, the commission shall do all of the following: 8939
8940

(1) Give due consideration to related plans and programs developed by federal, other state, local, and private groups; 8941
8942

(2) Beginning within ninety days of its first meeting and throughout the duration of the commission, conduct extensive public engagement throughout this state in developing the overall programs that may take place during the semiquincentennial; 8943
8944
8945
8946

(3) Aim to involve and showcase all counties in this state; 8947

(4) Draw attention to the achievements, struggles, honors, innovations, and significance of all people in this state since before its founding to the present day; 8948
8949
8950

(5) Clearly delineate the costs associated with the commission. 8951
8952

(G) The commission may designate special committees with representatives from groups described in division (F)(1) of this section to plan, develop, and coordinate specific activities. 8953
8954
8955

(H)(1) Not later than three years after the effective date of this section, the commission shall submit to the governor and the general assembly a comprehensive report that includes the specific recommendations of the commission for the commemoration of the two 8956
8957
8958
8959

<u>hundred fiftieth anniversary of the founding of the United States</u>	8960
<u>and related events.</u>	8961
<u>(2) The report shall include all of the following:</u>	8962
<u>(a) A detailed timeline of the plan of works through 2026;</u>	8963
<u>(b) Recommendations of the commission for the allocation of</u>	8964
<u>financial and administrative responsibility among the public and</u>	8965
<u>private authorities and organizations recommended for</u>	8966
<u>participation by the commission;</u>	8967
<u>(c) The projected number of jobs created through the</u>	8968
<u>implementation of the commission's plan and overall program;</u>	8969
<u>(d) The projected economic consequences of the implementation</u>	8970
<u>of the commission's plan and overall program;</u>	8971
<u>(e) The plan for the Ohio pavilion;</u>	8972
<u>(f) The plan for improvements, if any, to the infrastructure</u>	8973
<u>of the state necessary for the successful delivery of the</u>	8974
<u>commission's plan and overall program;</u>	8975
<u>(g) Outputs and outcomes against which progress and success</u>	8976
<u>of the commission's plan and overall program can be measured.</u>	8977
<u>(3) The report may include recommendations for legislation</u>	8978
<u>needed to effectuate the plan and overall program.</u>	8979
<u>(4) The report shall be available on the commission's</u>	8980
<u>official web site.</u>	8981
<u>(I) The commission may secure directly from a state agency</u>	8982
<u>information as the commission considers necessary to carry out its</u>	8983
<u>duties. On the request of the chairperson of the commission, the</u>	8984
<u>head of a state agency shall provide the information to the</u>	8985
<u>commission.</u>	8986
<u>(J) The commission may accept, use, and dispose of gifts and</u>	8987
<u>donations of money, property, or personal services. Information</u>	8988

relating to the gifts shall be enumerated and submitted to the 8989
Ohio ethics commission each quarter and shall be available on the 8990
commission's official web site. 8991

(K) As determined necessary by the commission, the commission 8992
may do any of the following: 8993

(1) Procure supplies, services, and property; 8994

(2) Take actions as are necessary to enable the commission to 8995
carry out efficiently and in the public interest the purpose of 8996
this section. 8997

(L) Property acquired by the commission that remains after 8998
the termination of the commission may be designated by an act of 8999
the general assembly to local governments or state agencies. 9000

(M)(1) The chairperson of the commission may appoint an 9001
executive director and other additional personnel as are necessary 9002
to enable the commission to perform its powers and duties. 9003

(2) The employment of an executive director shall be subject 9004
to confirmation by majority vote of the commission. 9005

(N) Once each year during the period beginning on the 9006
effective date of this section through July 31, 2026, the 9007
commission shall submit to the governor and the general assembly a 9008
report of the activities of the commission, including an 9009
accounting of funds received and expended during the year covered 9010
by the report, the outputs and outcomes achieved, and whether 9011
those achievements meet the commission's plan and overall program. 9012
The report shall be available on the commission's official web 9013
site. 9014

(O) The commission terminates on July 31, 2026. 9015

Sec. 149.311. (A) As used in this section: 9016

(1) "Historic building" means a building, including its 9017

structural components, that is located in this state and that is 9018
either individually listed on the national register of historic 9019
places under 16 U.S.C. 470a, located in a registered historic 9020
district, and certified by the state historic preservation officer 9021
as being of historic significance to the district, or is 9022
individually listed as an historic landmark designated by a local 9023
government certified under 16 U.S.C. 470a(c). 9024

(2) "Qualified rehabilitation expenditures" means 9025
expenditures paid or incurred during the rehabilitation period, 9026
and before and after that period as determined under 26 U.S.C. 47, 9027
by an owner or qualified lessee of an historic building to 9028
rehabilitate the building. "Qualified rehabilitation expenditures" 9029
includes architectural or engineering fees paid or incurred in 9030
connection with the rehabilitation, and expenses incurred in the 9031
preparation of nomination forms for listing on the national 9032
register of historic places. "Qualified rehabilitation 9033
expenditures" does not include any of the following: 9034

(a) The cost of acquiring, expanding, or enlarging an 9035
historic building; 9036

(b) Expenditures attributable to work done to facilities 9037
related to the building, such as parking lots, sidewalks, and 9038
landscaping; 9039

(c) New building construction costs. 9040

(3) "Owner" of an historic building means a person holding 9041
the fee simple interest in the building. "Owner" does not include 9042
the state or a state agency, or any political subdivision as 9043
defined in section 9.23 of the Revised Code. 9044

(4) "Qualified lessee" means a person subject to a lease 9045
agreement for an historic building and eligible for the federal 9046
rehabilitation tax credit under 26 U.S.C. 47. "Qualified lessee" 9047
does not include the state or a state agency or political 9048

subdivision as defined in section 9.23 of the Revised Code. 9049

(5) "Certificate owner" means the owner or qualified lessee 9050
of an historic building to which a rehabilitation tax credit 9051
certificate was issued under this section. 9052

(6) "Registered historic district" means an historic district 9053
listed in the national register of historic places under 16 U.S.C. 9054
470a, an historic district designated by a local government 9055
certified under 16 U.S.C. 470a(c), or a local historic district 9056
certified under 36 C.F.R. 67.8 and 67.9. 9057

(7) "Rehabilitation" means the process of repairing or 9058
altering an historic building or buildings, making possible an 9059
efficient use while preserving those portions and features of the 9060
building and its site and environment that are significant to its 9061
historic, architectural, and cultural values. 9062

(8) "Rehabilitation period" means one of the following: 9063

(a) If the rehabilitation initially was not planned to be 9064
completed in stages, a period chosen by the owner or qualified 9065
lessee not to exceed twenty-four months during which 9066
rehabilitation occurs; 9067

(b) If the rehabilitation initially was planned to be 9068
completed in stages, a period chosen by the owner or qualified 9069
lessee not to exceed sixty months during which rehabilitation 9070
occurs. Each stage shall be reviewed as a phase of a 9071
rehabilitation as determined under 26 C.F.R. 1.48-12 or a 9072
successor to that section. 9073

(9) "State historic preservation officer" or "officer" means 9074
the state historic preservation officer appointed by the governor 9075
under 16 U.S.C. 470a. 9076

(10) "Catalytic project" means the rehabilitation of an 9077
historic building, the rehabilitation of which will foster 9078

economic development within two thousand five hundred feet of the historic building.

(B) The owner or qualified lessee of an historic building may apply to the director of development ~~services~~ for a rehabilitation tax credit certificate for qualified rehabilitation expenditures paid or incurred by such owner or qualified lessee after April 4, 2007, for rehabilitation of an historic building. If the owner of an historic building enters a pass-through agreement with a qualified lessee for the purposes of the federal rehabilitation tax credit under 26 U.S.C. 47, the qualified rehabilitation expenditures paid or incurred by the owner after April 4, 2007, may be attributed to the qualified lessee.

The form and manner of filing such applications shall be prescribed by rule of the director. Each application shall state the amount of qualified rehabilitation expenditures the applicant estimates will be paid or incurred. The director may require applicants to furnish documentation of such estimates.

The director, after consultation with the tax commissioner and in accordance with Chapter 119. of the Revised Code, shall adopt rules that establish all of the following:

(1) Forms and procedures by which applicants may apply for rehabilitation tax credit certificates;

(2) Criteria for reviewing, evaluating, and approving applications for certificates within the limitations under division (D) of this section, criteria for assuring that the certificates issued encompass a mixture of high and low qualified rehabilitation expenditures, and criteria for issuing certificates under division (C)(3)(b) of this section;

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

(4) The form of rehabilitation tax credit certificates;

(5) Reporting requirements and monitoring procedures;	9110
(6) Procedures and criteria for conducting cost-benefit analyses of historic buildings that are the subjects of applications filed under this section. The purpose of a cost-benefit analysis shall be to determine whether rehabilitation of the historic building will result in a net revenue gain in state and local taxes once the building is used.	9111 9112 9113 9114 9115 9116
(7) Any other rules necessary to implement and administer this section.	9117 9118
(C) The director of development services shall review the applications with the assistance of the state historic preservation officer and determine whether all of the following criteria are met:	9119 9120 9121 9122
(1) That the building that is the subject of the application is an historic building and the applicant is the owner or qualified lessee of the building;	9123 9124 9125
(2) That the rehabilitation will satisfy standards prescribed by the United States secretary of the interior under 16 U.S.C. 470, et seq., as amended, and 36 C.F.R. 67.7 or a successor to that section;	9126 9127 9128 9129
(3) That receiving a rehabilitation tax credit certificate under this section is a major factor in:	9130 9131
(a) The applicant's decision to rehabilitate the historic building; or	9132 9133
(b) To increase the level of investment in such rehabilitation.	9134 9135
An applicant shall demonstrate to the satisfaction of the state historic preservation officer and director of development services that the rehabilitation will satisfy the standards described in division (C)(2) of this section before the applicant	9136 9137 9138 9139

begins the physical rehabilitation of the historic building. 9140

(D)(1) If the director ~~of development services~~ determines 9141
that an application meets the criteria in divisions (C)(1), (2), 9142
and (3) of this section, the director shall conduct a cost-benefit 9143
analysis for the historic building that is the subject of the 9144
application to determine whether rehabilitation of the historic 9145
building will result in a net revenue gain in state and local 9146
taxes once the building is used. The director shall consider the 9147
results of the cost-benefit analysis in determining whether to 9148
approve the application. The director shall also consider the 9149
potential economic impact and the regional distributive balance of 9150
the credits throughout the state. The director may approve an 9151
application only after completion of the cost-benefit analysis. 9152

(2) A rehabilitation tax credit certificate shall not be 9153
issued for an amount greater than the estimated amount furnished 9154
by the applicant on the application for such certificate and 9155
approved by the director. The director shall not approve more than 9156
a total of sixty million dollars of rehabilitation tax credits per 9157
fiscal year but the director may reallocate unused tax credits 9158
from a prior fiscal year for new applicants and such reallocated 9159
credits shall not apply toward the dollar limit of this division. 9160

(3) For rehabilitations with a rehabilitation period not 9161
exceeding twenty-four months as provided in division (A)(8)(a) of 9162
this section, a rehabilitation tax credit certificate shall not be 9163
issued before the rehabilitation of the historic building is 9164
completed. 9165

(4) For rehabilitations with a rehabilitation period not 9166
exceeding sixty months as provided in division (A)(8)(b) of this 9167
section, a rehabilitation tax credit certificate shall not be 9168
issued before a stage of rehabilitation is completed. After all 9169
stages of rehabilitation are completed, if the director cannot 9170
determine that the criteria in division (C) of this section are 9171

satisfied for all stages of rehabilitations, the director shall 9172
certify this finding to the tax commissioner, and any 9173
rehabilitation tax credits received by the applicant shall be 9174
repaid by the applicant and may be collected by assessment as 9175
unpaid tax by the commissioner. 9176

(5) The director ~~of development services~~ shall require the 9177
applicant to provide a third-party cost certification by a 9178
certified public accountant of the actual costs attributed to the 9179
rehabilitation of the historic building when qualified 9180
rehabilitation expenditures exceed two hundred thousand dollars. 9181

If an applicant whose application is approved for receipt of 9182
a rehabilitation tax credit certificate fails to provide to the 9183
director sufficient evidence of reviewable progress, including a 9184
viable financial plan, copies of final construction drawings, and 9185
evidence that the applicant has obtained all historic approvals 9186
within twelve months after the date the applicant received 9187
notification of approval, and if the applicant fails to provide 9188
evidence to the director that the applicant has secured and closed 9189
on financing for the rehabilitation within eighteen months after 9190
receiving notification of approval, the director may rescind the 9191
approval of the application. The director shall notify the 9192
applicant if the approval has been rescinded. Credits that would 9193
have been available to an applicant whose approval was rescinded 9194
shall be available for other qualified applicants. Nothing in this 9195
division prohibits an applicant whose approval has been rescinded 9196
from submitting a new application for a rehabilitation tax credit 9197
certificate. 9198

(6) The director ~~of development services~~ may approve the 9199
application of, and issue a rehabilitation tax credit certificate 9200
to, the owner of a catalytic project, provided the application 9201
otherwise meets the criteria described in divisions (C) and (D) of 9202
this section. The director may not approve more than one 9203

application for a rehabilitation tax credit certificate under 9204
division (D)(6) of this section during each state fiscal biennium. 9205
The director shall not approve an application for a rehabilitation 9206
tax credit certificate under division (D)(6) of this section 9207
during the state fiscal biennium beginning July 1, 2017, or during 9208
any state fiscal biennium thereafter. The director shall consider 9209
the following criteria in determining whether to approve an 9210
application for a certificate under division (D)(6) of this 9211
section: 9212

(a) Whether the historic building is a catalytic project; 9213

(b) The effect issuance of the certificate would have on the 9214
availability of credits for other applicants that qualify for a 9215
credit certificate within the credit dollar limit described in 9216
division (D)(2) of this section; 9217

(c) The number of jobs, if any, the catalytic project will 9218
create. 9219

(7)(a) The owner or qualified lessee of a historic building 9220
may apply for a rehabilitation tax credit certificate under both 9221
divisions (B) and (D)(6) of this section. In such a case, the 9222
director ~~of development services~~ shall consider each application 9223
at the time the application is submitted. 9224

(b) The director ~~of development services~~ shall not issue more 9225
than one certificate under this section with respect to the same 9226
qualified rehabilitation expenditures. 9227

(E) Issuance of a certificate represents a finding by the 9228
director ~~of development services~~ of the matters described in 9229
divisions (C)(1), (2), and (3) of this section only; issuance of a 9230
certificate does not represent a verification or certification by 9231
the director of the amount of qualified rehabilitation 9232
expenditures for which a tax credit may be claimed under section 9233
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the 9234

Revised Code. The amount of qualified rehabilitation expenditures 9235
for which a tax credit may be claimed is subject to inspection and 9236
examination by the tax commissioner or employees of the 9237
commissioner under section 5703.19 of the Revised Code and any 9238
other applicable law. Upon the issuance of a certificate, the 9239
director shall certify to the tax commissioner, in the form and 9240
manner requested by the tax commissioner, the name of the 9241
applicant, the amount of qualified rehabilitation expenditures 9242
shown on the certificate, and any other information required by 9243
the rules adopted under this section. 9244

(F)(1) On or before the first day of August each year, the 9245
director ~~of development services~~ and tax commissioner jointly 9246
shall submit to the president of the senate and the speaker of the 9247
house of representatives a report on the tax credit program 9248
established under this section and sections 5725.151, 5725.34, 9249
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code. The 9250
report shall present an overview of the program and shall include 9251
information on the number of rehabilitation tax credit 9252
certificates issued under this section during the preceding fiscal 9253
year, an update on the status of each historic building for which 9254
an application was approved under this section, the dollar amount 9255
of the tax credits granted under sections 5725.151, 5725.34, 9256
5726.52, 5729.17, 5733.47, and 5747.76 of the Revised Code, and 9257
any other information the director and commissioner consider 9258
relevant to the topics addressed in the report. 9259

(2) On or before December 1, 2015, the director ~~of~~ 9260
~~development services~~ and tax commissioner jointly shall submit to 9261
the president of the senate and the speaker of the house of 9262
representatives a comprehensive report that includes the 9263
information required by division (F)(1) of this section and a 9264
detailed analysis of the effectiveness of issuing tax credits for 9265
rehabilitating historic buildings. The report shall be prepared 9266

with the assistance of an economic research organization jointly 9267
chosen by the director and commissioner. 9268

(G) There is hereby created in the state treasury the 9269
historic rehabilitation tax credit operating fund. The director of ~~of~~ 9270
~~development services~~ is authorized to charge reasonable 9271
application and other fees in connection with the administration 9272
of tax credits authorized by this section and sections 5725.151, 9273
5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the Revised 9274
Code. Any such fees collected shall be credited to the fund and 9275
used to pay reasonable costs incurred by the department of 9276
development ~~services~~ in administering this section and sections 9277
5725.151, 5725.34, 5726.52, 5729.17, 5733.47, and 5747.76 of the 9278
Revised Code. 9279

The Ohio historic preservation office is authorized to charge 9280
reasonable fees in connection with its review and approval of 9281
applications under this section. Any such fees collected shall be 9282
credited to the fund and used to pay administrative costs incurred 9283
by the Ohio historic preservation office pursuant to this section. 9284

(H) Notwithstanding sections 5725.151, 5725.34, 5726.52, 9285
5729.17, 5733.47, and 5747.76 of the Revised Code, the certificate 9286
owner of a tax credit certificate issued under division (D)(6) of 9287
this section may claim a tax credit equal to twenty-five per cent 9288
of the dollar amount indicated on the certificate for a total 9289
credit of not more than twenty-five million dollars. The credit 9290
claimed by such a certificate owner for any calendar year, tax 9291
year, or taxable year under section 5725.151, 5725.34, 5726.52, 9292
5729.17, 5733.47, or 5747.76 of the Revised Code shall not exceed 9293
five million dollars. If the certificate owner is eligible for 9294
more than five million dollars in total credits, the certificate 9295
owner may carry forward the balance of the credit in excess of the 9296
amount claimed for that year for not more than five ensuing 9297
calendar years, tax years, or taxable years. If the credit claimed 9298

in any calendar year, tax year, or taxable year exceeds the tax 9299
otherwise due, the excess shall be refunded to the taxpayer. 9300

(I) The director of development ~~services~~, in consultation 9301
with the director of budget and management, shall develop and 9302
adopt a system of tracking any information necessary to anticipate 9303
the impact of credits issued under this section on tax revenues 9304
for current and future fiscal years. Such information may include 9305
the number of applications approved, the estimated rehabilitation 9306
expenditures and rehabilitation period associated with such 9307
applications, the number and amount of tax credit certificates 9308
issued, and any other information the director of budget and 9309
management requires for the purposes of this division. 9310

Sec. 149.434. (A) Each public office or person responsible 9311
for public records shall maintain a database or a list that 9312
includes the name ~~and date of birth~~ of all public officials and 9313
employees elected to or employed by that public office. The 9314
database or list is a public record and shall be made available 9315
upon a request made pursuant to section 149.43 of the Revised 9316
Code. 9317

(B) As used in this section: 9318

(1) "Employee" has the same meaning as in section 9.40 of the 9319
Revised Code. 9320

(2) "Public official" has the same meaning as in section 9321
117.01 of the Revised Code. 9322

(3) "Public record" has the same meaning as in section 149.43 9323
of the Revised Code. 9324

Sec. 155.011. The owner of any tract of land in which the 9325
state has retained the gas, oil, coal, and other mineral rights 9326
and right of entry may acquire such rights by purchase from the 9327
state. Such owner desiring to purchase such rights shall make 9328

application to the director of administrative services. This 9329
application shall be in such manner and form and shall contain 9330
such information as prescribed by the director. The said 9331
application shall have a deposit of a sum sufficient to pay the 9332
appraisal fees together with evidence of title to the land in 9333
which the applicant desires to purchase the mineral rights affixed 9334
thereto. 9335

Upon receipt of the application, evidence of title, and the 9336
deposit, the director shall cause the mineral rights to be 9337
appraised by three disinterested persons. The director shall 9338
determine the fee that each appraiser shall receive. All appraisal 9339
fees shall be paid from the deposit posted by the applicant. If 9340
the deposit exceeds the appraisal fees the balance shall be 9341
returned to the applicant. 9342

The appraisal value when approved by the director of 9343
administrative services shall constitute the purchase price. The 9344
director shall notify the applicant of the purchase price by 9345
certified or registered mail. Upon receipt of the purchase price 9346
~~by the director of administrative services, the auditor of state~~ 9347
director shall prepare, with the assistance of the attorney 9348
general, a deed which shall be executed by the governor, 9349
countersigned by the secretary of state, recorded in the office of 9350
the ~~auditor of state~~ director of administrative services, and 9351
delivered to the purchaser; provided, that if the purchase price 9352
has not been received within ninety days after notice of the 9353
purchase price was delivered to the applicant, the purchase price 9354
shall no longer be valid and a new application shall be 9355
instituted, a new deposit tendered, and a new appraisal had on the 9356
mineral rights. 9357

If the applicant fails to purchase the mineral rights within 9358
one year from the date of the initial application instituted by 9359
such applicant, a purchase by such applicant may be had only upon 9360

a determination by the director of administrative services that 9361
such sale would be in the best interests of the state. 9362

Any deed of conveyance issued under authority of this section 9363
shall be subject to existing easements, rights-of-way, and legal 9364
highways. 9365

Net sale proceeds shall be credited to the general revenue 9366
fund except when the rights disposed of were entrusted to the 9367
state for school or religious purposes. 9368

Sec. 166.01. As used in this chapter: 9369

(A) "Allowable costs" means all or part of the costs of 9370
project facilities, eligible projects, eligible innovation 9371
projects, eligible research and development projects, eligible 9372
advanced energy projects, or eligible logistics and distribution 9373
projects, including costs of acquiring, constructing, 9374
reconstructing, rehabilitating, renovating, enlarging, improving, 9375
equipping, or furnishing project facilities, eligible projects, 9376
eligible innovation projects, eligible research and development 9377
projects, eligible advanced energy projects, or eligible logistics 9378
and distribution projects, site clearance and preparation, 9379
supplementing and relocating public capital improvements or 9380
utility facilities, designs, plans, specifications, surveys, 9381
studies, and estimates of costs, expenses necessary or incident to 9382
determining the feasibility or practicability of assisting an 9383
eligible project, an eligible innovation project, an eligible 9384
research and development project, an eligible advanced energy 9385
project, or an eligible logistics and distribution project, or 9386
providing project facilities or facilities related to an eligible 9387
project, an eligible innovation project, an eligible research and 9388
development project, an eligible advanced energy project, or an 9389
eligible logistics and distribution project, architectural, 9390
engineering, and legal services fees and expenses, the costs of 9391

conducting any other activities as part of a voluntary action, and 9392
such other expenses as may be necessary or incidental to the 9393
establishment or development of an eligible project, an eligible 9394
innovation project, an eligible research and development project, 9395
an eligible advanced energy project, or an eligible logistics and 9396
distribution project, and reimbursement of moneys advanced or 9397
applied by any governmental agency or other person for allowable 9398
costs. 9399

(B) "Allowable innovation costs" includes allowable costs of 9400
eligible innovation projects and, in addition, includes the costs 9401
of research and development of eligible innovation projects; 9402
obtaining or creating any requisite software or computer hardware 9403
related to an eligible innovation project or the products or 9404
services associated therewith; testing (including, without 9405
limitation, quality control activities necessary for initial 9406
production), perfecting, and marketing of such products and 9407
services; creating and protecting intellectual property related to 9408
an eligible innovation project or any products or services related 9409
thereto, including costs of securing appropriate patent, 9410
trademark, trade secret, trade dress, copyright, or other form of 9411
intellectual property protection for an eligible innovation 9412
project or related products and services; all to the extent that 9413
such expenditures could be capitalized under then-applicable 9414
generally accepted accounting principles; and the reimbursement of 9415
moneys advanced or applied by any governmental agency or other 9416
person for allowable innovation costs. 9417

(C) "Eligible innovation project" includes an eligible 9418
project, including any project facilities associated with an 9419
eligible innovation project and, in addition, includes all 9420
tangible and intangible property related to a new product or 9421
process based on new technology or the creative application of 9422
existing technology, including research and development, product 9423

or process testing, quality control, market research, and related 9424
activities, that is to be acquired, established, expanded, 9425
remodeled, rehabilitated, or modernized for industry, commerce, 9426
distribution, or research, or any combination thereof, the 9427
operation of which, alone or in conjunction with other eligible 9428
projects, eligible innovation projects, or innovation property, 9429
will create new jobs or preserve existing jobs and employment 9430
opportunities and improve the economic welfare of the people of 9431
the state. 9432

(D) "Eligible project" means project facilities to be 9433
acquired, established, expanded, remodeled, rehabilitated, or 9434
modernized for industry, commerce, distribution, or research, or 9435
any combination thereof, the operation of which, alone or in 9436
conjunction with other facilities, will create new jobs or 9437
preserve existing jobs and employment opportunities and improve 9438
the economic welfare of the people of the state. "Eligible 9439
project" includes, without limitation, a voluntary action. For 9440
purposes of this division, "new jobs" does not include existing 9441
jobs transferred from another facility within the state, and 9442
"existing jobs" includes only those existing jobs with work places 9443
within the municipal corporation or unincorporated area of the 9444
county in which the eligible project is located. 9445

"Eligible project" does not include project facilities to be 9446
acquired, established, expanded, remodeled, rehabilitated, or 9447
modernized for industry, commerce, distribution, or research, or 9448
any combination of industry, commerce, distribution, or research, 9449
if the project facilities consist solely of 9450
point-of-final-purchase retail facilities. If the project 9451
facilities consist of both point-of-final-purchase retail 9452
facilities and nonretail facilities, only the portion of the 9453
project facilities consisting of nonretail facilities is an 9454
eligible project. If a warehouse facility is part of a 9455

point-of-final-purchase retail facility and supplies only that 9456
facility, the warehouse facility is not an eligible project. 9457
Catalog distribution facilities are not considered 9458
point-of-final-purchase retail facilities for purposes of this 9459
paragraph, and are eligible projects. 9460

(E) "Eligible research and development project" means an 9461
eligible project, including project facilities, comprising, 9462
within, or related to, a facility or portion of a facility at 9463
which research is undertaken for the purpose of discovering 9464
information that is technological in nature and the application of 9465
which is intended to be useful in the development of a new or 9466
improved product, process, technique, formula, or invention, a new 9467
product or process based on new technology, or the creative 9468
application of existing technology. 9469

(F) "Financial assistance" means inducements under division 9470
(B) of section 166.02 of the Revised Code, loan guarantees under 9471
section 166.06 of the Revised Code, and direct loans under section 9472
166.07 of the Revised Code. 9473

(G) "Governmental action" means any action by a governmental 9474
agency relating to the establishment, development, or operation of 9475
an eligible project, eligible innovation project, eligible 9476
research and development project, eligible advanced energy 9477
project, or eligible logistics and distribution project, and 9478
project facilities that the governmental agency acting has 9479
authority to take or provide for the purpose under law, including, 9480
but not limited to, actions relating to contracts and agreements, 9481
zoning, building, permits, acquisition and disposition of 9482
property, public capital improvements, utility and transportation 9483
service, taxation, employee recruitment and training, and liaison 9484
and coordination with and among governmental agencies. 9485

(H) "Governmental agency" means the state and any state 9486
department, division, commission, institution or authority; a 9487

municipal corporation, county, or township, and any agency 9488
thereof, and any other political subdivision or public corporation 9489
or the United States or any agency thereof; any agency, 9490
commission, or authority established pursuant to an interstate 9491
compact or agreement; and any combination of the above. 9492

(I) "Innovation financial assistance" means inducements under 9493
division (B) of section 166.12 of the Revised Code, innovation 9494
Ohio loan guarantees under section 166.15 of the Revised Code, and 9495
innovation Ohio loans under section 166.16 of the Revised Code. 9496

(J) "Innovation Ohio loan guarantee reserve requirement" 9497
means, at any time, with respect to innovation loan guarantees 9498
made under section 166.15 of the Revised Code, a balance in the 9499
innovation Ohio loan guarantee fund equal to the greater of twenty 9500
per cent of the then-outstanding principal amount of all 9501
outstanding innovation loan guarantees made pursuant to section 9502
166.15 of the Revised Code or fifty per cent of the principal 9503
amount of the largest outstanding guarantee made pursuant to 9504
section 166.15 of the Revised Code. 9505

(K) "Innovation property" includes property and also includes 9506
software, inventory, licenses, contract rights, goodwill, 9507
intellectual property, including without limitation, patents, 9508
patent applications, trademarks and service marks, and trade 9509
secrets, and other tangible and intangible property, and any 9510
rights and interests in or connected to the foregoing. 9511

(L) "Loan guarantee reserve requirement" means, at any time, 9512
with respect to loan guarantees made under section 166.06 of the 9513
Revised Code, a balance in the loan guarantee fund equal to the 9514
greater of twenty per cent of the then-outstanding principal 9515
amount of all outstanding guarantees made pursuant to section 9516
166.06 of the Revised Code or fifty per cent of the principal 9517
amount of the largest outstanding guarantee made pursuant to 9518
section 166.06 of the Revised Code. 9519

(M) "Person" means any individual, firm, partnership, 9520
association, corporation, or governmental agency, and any 9521
combination thereof. 9522

(N) "Project facilities" means buildings, structures, and 9523
other improvements, and equipment and other property, excluding 9524
small tools, supplies, and inventory, and any one, part of, or 9525
combination of the above, comprising all or part of, or serving or 9526
being incidental to, an eligible project, an eligible innovation 9527
project, an eligible research and development project, an eligible 9528
advanced energy project, or an eligible logistics and distribution 9529
project, including, but not limited to, public capital 9530
improvements. 9531

(O) "Property" means real and personal property and interests 9532
therein. 9533

(P) "Public capital improvements" means capital improvements 9534
or facilities that any governmental agency has authority to 9535
acquire, pay the costs of, own, maintain, or operate, or to 9536
contract with other persons to have the same done, including, but 9537
not limited to, highways, roads, streets, water and sewer 9538
facilities, railroad and other transportation facilities, and air 9539
and water pollution control and solid waste disposal facilities. 9540
For purposes of this division, "air pollution control facilities" 9541
includes, without limitation, solar, geothermal, biofuel, biomass, 9542
wind, hydro, wave, and other advanced energy projects as defined 9543
in section 3706.25 of the Revised Code. 9544

(Q) "Research and development financial assistance" means 9545
inducements under section 166.17 of the Revised Code, research and 9546
development loans under section 166.21 of the Revised Code, and 9547
research and development tax credits under sections 5733.352 and 9548
5747.331 of the Revised Code. 9549

(R) "Targeted innovation industry sectors" means industry 9550

sectors involving the production or use of advanced materials, 9551
instruments, controls and electronics, power and propulsion, 9552
biosciences, and information technology, or such other sectors as 9553
may be designated by the director of development ~~services~~. 9554

(S) "Voluntary action" means a voluntary action, as defined 9555
in section 3746.01 of the Revised Code, that is conducted under 9556
the voluntary action program established in Chapter 3746. of the 9557
Revised Code. 9558

(T) "Project financing obligations" means obligations issued 9559
pursuant to section 166.08 of the Revised Code other than 9560
obligations for which the bond proceedings provide that bond 9561
service charges shall be paid from receipts of the state 9562
representing gross profit on the sale of spirituous liquor as 9563
referred to in division (B)(4) of section 4310.10 of the Revised 9564
Code. 9565

(U) "Regional economic development entity" means an entity 9566
that is under contract with the director to administer a loan 9567
program under this chapter in a particular area of this state. 9568

(V) "Eligible advanced energy project" means an eligible 9569
project that is an "advanced energy project" as defined in section 9570
3706.25 of the Revised Code. 9571

(W) "Eligible logistics and distribution project" means an 9572
eligible project, including project facilities, to be acquired, 9573
established, expanded, remodeled, rehabilitated, or modernized for 9574
transportation logistics and distribution infrastructure purposes. 9575
As used in this division, "transportation logistics and 9576
distribution infrastructure purposes" means promoting, providing 9577
for, and enabling improvements to the ground, air, and water 9578
transportation infrastructure comprising the transportation system 9579
in this state, including, without limitation, highways, streets, 9580
roads, bridges, railroads carrying freight, and air and water 9581

ports and port facilities, and all related supporting facilities. 9582

~~(X) "Department of development" means the development 9583~~

~~services agency and "director of development" means the director 9584~~

~~of development services. 9585~~

Sec. 166.03. (A) There is hereby created the facilities 9586

establishment fund within the state treasury, consisting of 9587

proceeds from the issuance of obligations as specified under 9588

section 166.08 of the Revised Code; the moneys received by the 9589

state from the sources specified in section 166.09 of the Revised 9590

Code; service charges imposed under sections 166.06 and 166.07 of 9591

the Revised Code; any grants, gifts, or contributions of moneys 9592

received by the director of development ~~services~~ to be used for 9593

loans made under section 166.07 of the Revised Code or for the 9594

payment of the allowable costs of project facilities; and all 9595

other moneys appropriated or transferred to the fund. Moneys in 9596

the loan guarantee fund in excess of the loan guarantee reserve 9597

requirement, but subject to the provisions and requirements of any 9598

guarantee contracts, may be transferred to the facilities 9599

establishment fund by the treasurer of state upon the order of the 9600

director of development ~~services~~. Moneys received by the state 9601

under Chapter 122. of the Revised Code, to the extent allocable to 9602

the utilization of moneys derived from proceeds of the sale of 9603

obligations pursuant to section 166.08 of the Revised Code, shall 9604

be credited to the facilities establishment fund. All investment 9605

earnings on the cash balance in the fund shall be credited to the 9606

fund. 9607

(B) All moneys appropriated or transferred to the facilities 9608

establishment fund may be released at the request of the director 9609

of development ~~services~~ for payment of allowable costs or the 9610

making of loans under section 166.07 of the Revised Code, for 9611

transfer to the loan guarantee fund established in section 166.06 9612

of the Revised Code, or for use for the purpose of or transfer to 9613
the funds established by sections 122.35, 122.42, 122.54, 122.55, 9614
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 9615
and, until July 1, 2003, the fund established by section 166.031 9616
of the Revised Code, and, until July 1, 2007, the fund established 9617
by section 122.26 of the Revised Code, but only for such of those 9618
purposes as are within the authorization of Section 13 of Article 9619
VIII, Ohio Constitution, in all cases subject to the approval of 9620
the controlling board. 9621

(C) The department of development ~~services agency~~, in the 9622
administration of the facilities establishment fund, is encouraged 9623
to utilize and promote the utilization of, to the maximum 9624
practicable extent, the other existing programs, business 9625
incentives, and tax incentives that department is required or 9626
authorized to administer or supervise. 9627

Sec. 166.27. (A) As used in this section, "minority" has the 9628
same meaning as in section 184.17 of the Revised Code, except that 9629
the individual must be a resident of this state. The term also 9630
includes an economically disadvantaged individual who is a 9631
resident of this state. 9632

(B) The director of development shall conduct outreach 9633
activities in Ohio that seek to include minorities in the loan 9634
program for logistics and distribution projects established under 9635
section 166.25 of the Revised Code. The outreach activities shall 9636
include the following, when appropriate: 9637

(1) Identifying and partnering with historically black 9638
colleges and universities; 9639

(2) Working with all institutions of higher education in the 9640
state to support minority faculty and students involved in 9641
logistics and distribution fields; 9642

(3) Developing a plan to contact by telephone minority-owned 9643
businesses and entrepreneurs and other economically disadvantaged 9644
businesses to notify them of opportunities to participate in the 9645
loan program for logistics and distribution projects; 9646

(4) Identifying minority professional and technical trade 9647
associations and economic development assistance organizations and 9648
notifying them of the loan program for logistics and distribution 9649
projects; 9650

(5) Partnering with regional councils to foster local efforts 9651
to support minority-owned businesses or otherwise identify 9652
networks of minority-owned businesses, entrepreneurs, and 9653
individuals operating locally; 9654

(6) Identifying minority firms and notifying them of the 9655
opportunities that exist within the investment community, 9656
including the Ohio venture capital authority created under section 9657
150.02 of the Revised Code. 9658

(C) The director shall publish an annual report that includes 9659
all of the following: 9660

(1) Details of loans awarded for logistics and distribution 9661
projects; 9662

(2) The status of loan recipients' projects funded in 9663
previous years; 9664

(3) The amount of loans awarded for projects in economically 9665
distressed areas, and if possible to ascertain, the impact of the 9666
loans to those areas. 9667

(D) To the extent possible, outreach activities described in 9668
this section shall be conducted in conjunction with the EDGE 9669
program created in section ~~123.152~~122.922 of the Revised Code. 9670

Sec. 169.05. (A) Every holder required to file a report under 9671
section 169.03 of the Revised Code shall, at the time of filing, 9672

pay to the director of commerce ten per cent of the aggregate 9673
amount of unclaimed funds as shown on the report, except for 9674
aggregate amounts of fifty dollars or less in which case one 9675
hundred per cent shall be paid. The funds may be deposited by the 9676
director in the state treasury to the credit of the unclaimed 9677
funds trust fund, which is hereby created, or placed with a 9678
financial organization. Any interest earned on money in the trust 9679
fund shall be credited to the trust fund. The remainder of the 9680
aggregate amount of unclaimed funds as shown on the report, plus 9681
earnings accrued to date of payment to the director, shall, at the 9682
option of the director, be retained by the holder or paid to the 9683
director for deposit as agent for the mortgage funds with a 9684
financial organization as defined in section 169.01 of the Revised 9685
Code, with the funds to be in income-bearing accounts to the 9686
credit of the mortgage funds, or the holder may enter into an 9687
agreement with the director specifying the obligations of the 9688
United States in which funds are to be invested, and agree to pay 9689
the interest on the obligations to the state. Holders retaining 9690
any funds not in obligations of the United States shall enter into 9691
an agreement with the director specifying the classification of 9692
income-bearing account in which the funds will be held and pay the 9693
state interest on the funds at a rate equal to the prevailing 9694
market rate for similar funds. Moneys that the holder is required 9695
to pay to the director rather than to retain may be deposited with 9696
the treasurer of state, or placed with a financial organization. 9697

Securities and other intangible property transferred to the 9698
director shall, within a reasonable time, be converted to cash and 9699
the proceeds deposited as provided for other funds. 9700

One-half of the funds evidenced by agreements, in 9701
income-bearing accounts, or on deposit with the treasurer of state 9702
shall be allocated on the records of the director to the mortgage 9703
insurance fund created by section 122.561 of the Revised Code. Out 9704

of the remaining half, after allocation of sufficient moneys to 9705
the minority business bonding fund to meet the provisions of 9706
division (B) of this section, the remainder shall be allocated on 9707
the records of the director to the housing development fund 9708
created by division (A) of section 175.11 of the Revised Code. 9709

(B) The director shall serve as agent for the director of 9710
development and as agent for the Ohio housing finance agency in 9711
making deposits and withdrawals and maintaining records pertaining 9712
to the minority business bonding fund created by section 122.88 of 9713
the Revised Code, the mortgage insurance fund, and the housing 9714
development fund created by section 175.11 of the Revised Code. 9715
Funds from the mortgage insurance fund are available to the 9716
director of development when those funds are to be disbursed to 9717
prevent or cure, or upon the occurrence of, a default of a 9718
mortgage insured pursuant to section 122.451 of the Revised Code. 9719
Funds from the housing development fund are available upon request 9720
to the Ohio housing finance agency, in an amount not to exceed the 9721
funds allocated on the records of the director, for the purposes 9722
of section 175.05 of the Revised Code. Funds from the minority 9723
business bonding fund are available to the director of development 9724
upon request to pay obligations on bonds the director writes 9725
pursuant to section 122.88 of the Revised Code; except that, 9726
unless the general assembly authorizes additional amounts, the 9727
total maximum amount of moneys that may be allocated to the 9728
minority business bonding fund under this division is ten million 9729
dollars. 9730

When funds are to be disbursed, the appropriate agency shall 9731
call upon the director to transfer the necessary funds to it. The 9732
director shall first withdraw the funds paid by the holders and 9733
deposited with the treasurer of state or in a financial 9734
institution as agent for the funds. Whenever these funds are 9735
inadequate to meet the request, the director shall provide for a 9736

withdrawal of funds, within a reasonable time and in the amount 9737
necessary to meet the request, from financial institutions in 9738
which the funds were retained or placed by a holder and from other 9739
holders who have retained funds, in an equitable manner as the 9740
director prescribes. In the event that the amount to be withdrawn 9741
from any one holder is less than five hundred dollars, the amount 9742
to be withdrawn is at the director's discretion. The director 9743
shall then transfer to the agency the amount of funds requested. 9744

Funds deposited in the unclaimed funds trust fund are subject 9745
to call by the director when necessary to pay claims the director 9746
allows under section 169.08 of the Revised Code, in accordance 9747
with the director's rules, to defray the necessary costs of making 9748
publications this chapter requires and to pay other operating and 9749
administrative expenses the department of commerce incurs in the 9750
administration and enforcement of this chapter. 9751

The unclaimed funds trust fund shall be assessed a 9752
proportionate share of the administrative costs of the department 9753
of commerce in accordance with procedures the director of commerce 9754
prescribes ~~and the director of budget and management approves~~. The 9755
assessment shall be paid from the unclaimed funds trust fund to 9756
the division of administration fund. 9757

(C) Earnings on the accounts in financial organizations to 9758
the credit of the mortgage funds shall, at the option of the 9759
financial organization, be credited to the accounts at times and 9760
at rates as earnings are paid on other accounts of the same 9761
classification held in the financial organization or paid to the 9762
director. The director shall be notified annually, and at other 9763
times as the director may request, of the amount of the earnings 9764
credited to the accounts. Interest on unclaimed funds a holder 9765
retains shall be paid to the director or credited as specified in 9766
the agreement under which the organization retains the funds. 9767
Interest payable to the director under an agreement to invest 9768

unclaimed funds in income-bearing accounts or obligations of the 9769
United States shall be paid annually by the holder to the 9770
director. Any earnings or interest the director receives under 9771
this division shall be deposited in and credited to the mortgage 9772
funds. 9773

Sec. 173.012. The department of aging may develop and offer 9774
training programs to area agencies on aging, long-term care 9775
facilities, providers of long-term care services, and other 9776
interested parties. The department may charge fees for the 9777
training programs. Amounts collected from charging the fees shall 9778
be deposited into the state treasury to the credit of the senior 9779
community outreach fund, which is hereby created. Money credited 9780
to the fund may be used by the department to administer this 9781
section and to develop and offer additional training programs. 9782

Sec. 173.38. (A) As used in this section: 9783

(1) "Applicant" means a person who is under final 9784
consideration for employment with a responsible party in a 9785
full-time, part-time, or temporary direct-care position or is 9786
referred to a responsible party by an employment service for such 9787
a position. "Applicant" does not include a person being considered 9788
for a direct-care position as a volunteer. 9789

(2) "Area agency on aging" has the same meaning as in section 9790
173.14 of the Revised Code. 9791

(3) "Chief administrator of a responsible party" includes a 9792
consumer when the consumer is a responsible party. 9793

(4) "Community-based long-term care services" means 9794
community-based long-term care services, as defined in section 9795
173.14 of the Revised Code, that are provided under a program the 9796
department of aging administers. 9797

(5) "Consumer" means an individual who receives 9798

community-based long-term care services.	9799
(6) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	9800 9801
(7)(a) "Direct-care position" means an employment position in which an employee has either or both of the following:	9802 9803
(i) In-person contact with one or more consumers;	9804
(ii) Access to one or more consumers' personal property or records.	9805 9806
(b) "Direct-care position" does not include a person whose sole duties are transporting individuals under Chapter 306. of the Revised Code.	9807 9808 9809
(8) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	9810 9811 9812
(9) "Employee" means a person employed by a responsible party in a full-time, part-time, or temporary direct-care position and a person who works in such a position due to being referred to a responsible party by an employment service. "Employee" does not include a person who works in a direct-care position as a volunteer.	9813 9814 9815 9816 9817 9818
(10) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code.	9819 9820
(11) "Provider" has the same meaning as in section 173.39 of the Revised Code.	9821 9822
(12) "Responsible party" means the following:	9823
(a) An area agency on aging in the case of either of the following:	9824 9825
(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time,	9826 9827

part-time, or temporary direct-care position or is referred to the 9828
agency by an employment service for such a position; 9829

(ii) A person who is an employee because the person is 9830
employed by the agency in a full-time, part-time, or temporary 9831
direct-care position or works in such a position due to being 9832
referred to the agency by an employment service. 9833

(b) A PASSPORT administrative agency in the case of either of 9834
the following: 9835

(i) A person who is an applicant because the person is under 9836
final consideration for employment with the agency in a full-time, 9837
part-time, or temporary direct-care position or is referred to the 9838
agency by an employment service for such a position; 9839

(ii) A person who is an employee because the person is 9840
employed by the agency in a full-time, part-time, or temporary 9841
direct-care position or works in such a position due to being 9842
referred to the agency by an employment service. 9843

(c) A provider in the case of either of the following: 9844

(i) A person who is an applicant because the person is under 9845
final consideration for employment with the provider in a 9846
full-time, part-time, or temporary direct-care position or is 9847
referred to the provider by an employment service for such a 9848
position; 9849

(ii) A person who is an employee because the person is 9850
employed by the provider in a full-time, part-time, or temporary 9851
direct-care position or works in such a position due to being 9852
referred to the provider by an employment service. 9853

(d) A subcontractor in the case of either of the following: 9854

(i) A person who is an applicant because the person is under 9855
final consideration for employment with the subcontractor in a 9856
full-time, part-time, or temporary direct-care position or is 9857

referred to the subcontractor by an employment service for such a 9858
position; 9859

(ii) A person who is an employee because the person is 9860
employed by the subcontractor in a full-time, part-time, or 9861
temporary direct-care position or works in such a position due to 9862
being referred to the subcontractor by an employment service. 9863

(e) A consumer in the case of either of the following: 9864

(i) A person who is an applicant because the person is under 9865
final consideration for employment with the consumer in a 9866
full-time, part-time, or temporary direct-care position for which 9867
the consumer, as the employer of record, is to direct the person 9868
in the provision of community-based long-term care services the 9869
person is to provide the consumer or is referred to the consumer 9870
by an employment service for such a position; 9871

(ii) A person who is an employee because the person is 9872
employed by the consumer in a full-time, part-time, or temporary 9873
direct-care position for which the consumer, as the employer of 9874
record, directs the person in the provision of community-based 9875
long-term care services the person provides to the consumer or who 9876
works in such a position due to being referred to the consumer by 9877
an employment service. 9878

(13) "Subcontractor" has the meaning specified in rules 9879
adopted under this section. 9880

(14) "Volunteer" means a person who serves in a direct-care 9881
position without receiving or expecting to receive any form of 9882
remuneration other than reimbursement for actual expenses. 9883

(15) "Waiver agency" has the same meaning as in section 9884
5164.342 of the Revised Code. 9885

(B) This section does not apply to any individual who is 9886
subject to a database review or criminal records check under 9887

section 173.381 or ~~3701.881~~ 3740.11 of the Revised Code or to any 9888
individual who is subject to a criminal records check under 9889
section 3721.121 of the Revised Code. 9890

(C) No responsible party shall employ an applicant or 9891
continue to employ an employee in a direct-care position if any of 9892
the following apply: 9893

(1) A review of the databases listed in division (E) of this 9894
section reveals any of the following: 9895

(a) That the applicant or employee is included in one or more 9896
of the databases listed in divisions (E)(1) to (5) of this 9897
section; 9898

(b) That there is in the state nurse aide registry 9899
established under section 3721.32 of the Revised Code a statement 9900
detailing findings by the director of health that the applicant or 9901
employee abused, neglected, or exploited a long-term care facility 9902
or residential care facility resident or misappropriated property 9903
of such a resident; 9904

(c) That the applicant or employee is included in one or more 9905
of the databases, if any, specified in rules adopted under this 9906
section and the rules prohibit the responsible party from 9907
employing an applicant or continuing to employ an employee 9908
included in such a database in a direct-care position. 9909

(2) After the applicant or employee is provided, pursuant to 9910
division (F)(2)(a) of this section, a copy of the form prescribed 9911
pursuant to division (C)(1) of section 109.572 of the Revised Code 9912
and the standard impression sheet prescribed pursuant to division 9913
(C)(2) of that section, the applicant or employee fails to 9914
complete the form or provide the applicant's or employee's 9915
fingerprint impressions on the standard impression sheet. 9916

(3) Unless the applicant or employee meets standards 9917
specified in rules adopted under this section, the applicant or 9918

employee is found by a criminal records check required by this 9919
section to have been convicted of, pleaded guilty to, or been 9920
found eligible for intervention in lieu of conviction for a 9921
disqualifying offense. 9922

(D) Except as provided by division (G) of this section, the 9923
chief administrator of a responsible party shall inform each 9924
applicant of both of the following at the time of the applicant's 9925
initial application for employment or referral to the responsible 9926
party by an employment service for a direct-care position: 9927

(1) That a review of the databases listed in division (E) of 9928
this section will be conducted to determine whether the 9929
responsible party is prohibited by division (C)(1) of this section 9930
from employing the applicant in the direct-care position; 9931

(2) That, unless the database review reveals that the 9932
applicant may not be employed in the direct-care position, a 9933
criminal records check of the applicant will be conducted and the 9934
applicant is required to provide a set of the applicant's 9935
fingerprint impressions as part of the criminal records check. 9936

(E) As a condition of employing any applicant in a 9937
direct-care position, the chief administrator of a responsible 9938
party shall conduct a database review of the applicant in 9939
accordance with rules adopted under this section. If rules adopted 9940
under this section so require, the chief administrator of a 9941
responsible party shall conduct a database review of an employee 9942
in accordance with the rules as a condition of continuing to 9943
employ the employee in a direct-care position. However, a chief 9944
administrator is not required to conduct a database review of an 9945
applicant or employee if division (G) of this section applies. A 9946
database review shall determine whether the applicant or employee 9947
is included in any of the following: 9948

(1) The excluded parties list system that is maintained by 9949

the United States general services administration pursuant to 9950
subpart 9.4 of the federal acquisition regulation and available at 9951
the federal web site known as the system for award management; 9952

(2) The list of excluded individuals and entities maintained 9953
by the office of inspector general in the United States department 9954
of health and human services pursuant to the "Social Security 9955
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 9956

(3) The registry of developmental disabilities employees 9957
established under section 5123.52 of the Revised Code; 9958

(4) The internet-based sex offender and child-victim offender 9959
database established under division (A)(11) of section 2950.13 of 9960
the Revised Code; 9961

(5) The internet-based database of inmates established under 9962
section 5120.66 of the Revised Code; 9963

(6) The state nurse aide registry established under section 9964
3721.32 of the Revised Code; 9965

(7) Any other database, if any, specified in rules adopted 9966
under this section. 9967

(F)(1) As a condition of employing any applicant in a 9968
direct-care position, the chief administrator of a responsible 9969
party shall request that the superintendent of the bureau of 9970
criminal identification and investigation conduct a criminal 9971
records check of the applicant. If rules adopted under this 9972
section so require, the chief administrator of a responsible party 9973
shall request that the superintendent conduct a criminal records 9974
check of an employee at times specified in the rules as a 9975
condition of continuing to employ the employee in a direct-care 9976
position. However, the chief administrator is not required to 9977
request the criminal records check of the applicant or employee if 9978
division (G) of this section applies or the responsible party is 9979
prohibited by division (C)(1) of this section from employing the 9980

applicant or continuing to employ the employee in a direct-care 9981
position. If an applicant or employee for whom a criminal records 9982
check request is required by this section does not present proof 9983
of having been a resident of this state for the five-year period 9984
immediately prior to the date the criminal records check is 9985
requested or provide evidence that within that five-year period 9986
the superintendent has requested information about the applicant 9987
or employee from the federal bureau of investigation in a criminal 9988
records check, the chief administrator shall request that the 9989
superintendent obtain information from the federal bureau of 9990
investigation as part of the criminal records check. Even if an 9991
applicant or employee for whom a criminal records check request is 9992
required by this section presents proof of having been a resident 9993
of this state for the five-year period, the chief administrator 9994
may request that the superintendent include information from the 9995
federal bureau of investigation in the criminal records check. 9996

(2) The chief administrator shall do all of the following: 9997

(a) Provide to each applicant and employee for whom a 9998
criminal records check request is required by this section a copy 9999
of the form prescribed pursuant to division (C)(1) of section 10000
109.572 of the Revised Code and a standard impression sheet 10001
prescribed pursuant to division (C)(2) of that section; 10002

(b) Obtain the completed form and standard impression sheet 10003
from the applicant or employee; 10004

(c) Forward the completed form and standard impression sheet 10005
to the superintendent. 10006

(3) A responsible party shall pay to the bureau of criminal 10007
identification and investigation the fee prescribed pursuant to 10008
division (C)(3) of section 109.572 of the Revised Code for each 10009
criminal records check the responsible party requests under this 10010
section. A responsible party may charge an applicant a fee not 10011

exceeding the amount the responsible party pays to the bureau 10012
under this section if both of the following apply: 10013

(a) The responsible party notifies the applicant at the time 10014
of initial application for employment of the amount of the fee and 10015
that, unless the fee is paid, the applicant will not be considered 10016
for employment. 10017

(b) The medicaid program does not pay the responsible party 10018
for the fee it pays to the bureau under this section. 10019

(G) Divisions (D) to (F) of this section do not apply with 10020
regard to an applicant or employee if the applicant or employee is 10021
referred to a responsible party by an employment service that 10022
supplies full-time, part-time, or temporary staff for direct-care 10023
positions and both of the following apply: 10024

(1) The chief administrator of the responsible party receives 10025
from the employment service confirmation that a review of the 10026
databases listed in division (E) of this section was conducted of 10027
the applicant or employee. 10028

(2) The chief administrator of the responsible party receives 10029
from the employment service, applicant, or employee a report of 10030
the results of a criminal records check of the applicant or 10031
employee that has been conducted by the superintendent within the 10032
one-year period immediately preceding the following: 10033

(a) In the case of an applicant, the date of the applicant's 10034
referral by the employment service to the responsible party; 10035

(b) In the case of an employee, the date by which the 10036
responsible party would otherwise have to request a criminal 10037
records check of the employee under division (F) of this section. 10038

(H)(1) A responsible party may employ conditionally an 10039
applicant for whom a criminal records check request is required by 10040
this section prior to obtaining the results of the criminal 10041

records check if the responsible party is not prohibited by 10042
division (C)(1) of this section from employing the applicant in a 10043
direct-care position and either of the following applies: 10044

(a) The chief administrator of the responsible party requests 10045
the criminal records check in accordance with division (F) of this 10046
section before conditionally employing the applicant. 10047

(b) The applicant is referred to the responsible party by an 10048
employment service, the employment service or the applicant 10049
provides the chief administrator of the responsible party a letter 10050
that is on the letterhead of the employment service, the letter is 10051
dated and signed by a supervisor or another designated official of 10052
the employment service, and the letter states all of the 10053
following: 10054

(i) That the employment service has requested the 10055
superintendent to conduct a criminal records check regarding the 10056
applicant; 10057

(ii) That the requested criminal records check is to include 10058
a determination of whether the applicant has been convicted of, 10059
pleaded guilty to, or been found eligible for intervention in lieu 10060
of conviction for a disqualifying offense; 10061

(iii) That the employment service has not received the 10062
results of the criminal records check as of the date set forth on 10063
the letter; 10064

(iv) That the employment service promptly will send a copy of 10065
the results of the criminal records check to the chief 10066
administrator of the responsible party when the employment service 10067
receives the results. 10068

(2) If a responsible party employs an applicant conditionally 10069
pursuant to division (H)(1)(b) of this section, the employment 10070
service, on its receipt of the results of the criminal records 10071
check, promptly shall send a copy of the results to the chief 10072

administrator of the responsible party. 10073

(3) A responsible party that employs an applicant 10074
conditionally pursuant to division (H)(1)(a) or (b) of this 10075
section shall terminate the applicant's employment if the results 10076
of the criminal records check, other than the results of any 10077
request for information from the federal bureau of investigation, 10078
are not obtained within the period ending sixty days after the 10079
date the request for the criminal records check is made. 10080
Regardless of when the results of the criminal records check are 10081
obtained, if the results indicate that the applicant has been 10082
convicted of, pleaded guilty to, or been found eligible for 10083
intervention in lieu of conviction for a disqualifying offense, 10084
the responsible party shall terminate the applicant's employment 10085
unless the applicant meets standards specified in rules adopted 10086
under this section that permit the responsible party to employ the 10087
applicant and the responsible party chooses to employ the 10088
applicant. Termination of employment under this division shall be 10089
considered just cause for discharge for purposes of division 10090
(D)(2) of section 4141.29 of the Revised Code if the applicant 10091
makes any attempt to deceive the responsible party about the 10092
applicant's criminal record. 10093

(I) The report of any criminal records check conducted 10094
pursuant to a request made under this section is not a public 10095
record for the purposes of section 149.43 of the Revised Code and 10096
shall not be made available to any person other than the 10097
following: 10098

(1) The applicant or employee who is the subject of the 10099
criminal records check or the applicant's or employee's 10100
representative; 10101

(2) The chief administrator of the responsible party 10102
requesting the criminal records check or the administrator's 10103
representative; 10104

(3) The administrator of any other facility, agency, or program that provides community-based long-term care services that is owned or operated by the same entity that owns or operates the responsible party that requested the criminal records check; 10105
10106
10107
10108

(4) The employment service that requested the criminal records check; 10109
10110

(5) The director of aging or a person authorized by the director to monitor a responsible party's compliance with this section; 10111
10112
10113

(6) The medicaid director and the staff of the department of medicaid who are involved in the administration of the medicaid program if any of the following apply: 10114
10115
10116

(a) In the case of a criminal records check requested by a provider or subcontractor, the provider or subcontractor also is a waiver agency; 10117
10118
10119

(b) In the case of a criminal records check requested by an employment service, the employment service makes the request for an applicant or employee the employment service refers to a provider or subcontractor that also is a waiver agency; 10120
10121
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(c) The criminal records check is requested by a consumer who is acting as a responsible party. 10124
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(7) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following: 10126
10127

(a) A denial of employment of the applicant or employee; 10128

(b) Employment or unemployment benefits of the applicant or employee; 10129
10130

(c) A civil or criminal action regarding the medicaid program or a program the department of aging administers. 10131
10132

(J) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or 10133
10134

property caused by an applicant or employee who a responsible party employs in a direct-care position, all of the following shall apply: 10135
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(1) If the responsible party employed the applicant or employee in good faith and reasonable reliance on the report of a criminal records check requested under this section, the responsible party shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate. 10138
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(2) If the responsible party employed the applicant in good faith on a conditional basis pursuant to division (H) of this section, the responsible party shall not be found negligent solely because it employed the applicant prior to receiving the report of a criminal records check requested under this section. 10144
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(3) If the responsible party in good faith employed the applicant or employee because the applicant or employee meets standards specified in rules adopted under this section, the responsible party shall not be found negligent solely because the applicant or employee has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 10149
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(K) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 10156
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(1) The rules may do the following: 10158

(a) Require employees to undergo database reviews and criminal records checks under this section; 10159
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 10161
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10163

(c) For the purpose of division (E)(7) of this section, 10164

specify other databases that are to be checked as part of a database review conducted under this section.

(2) The rules shall specify all of the following:

(a) The meaning of the term "subcontractor";

(b) The procedures for conducting database reviews under this section;

(c) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;

(d) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a responsible party is prohibited from employing an applicant or continuing to employ an employee who is found by a database review to be included in one or more of those databases;

(e) Standards that an applicant or employee must meet for a responsible party to be permitted to employ the applicant or continue to employ the employee in a direct-care position if the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

Sec. 173.381. (A) As used in this section:

(1) "Community-based long-term care services" means community-based long-term care services, as defined in section 173.14 of the Revised Code, that are provided under a program the department of aging administers.

(2) "Community-based long-term care services certificate" means a certificate issued under section 173.391 of the Revised Code.

(3) "Community-based long-term care services contract or grant" means a contract or grant awarded under section 173.392 of the Revised Code. 10195
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(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 10198
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(5) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 10200
10201
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(6) "Provider" has the same meaning as in section 173.39 of the Revised Code. 10203
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(7) "Self-employed provider" means a provider who works for the provider's self and has no employees. 10205
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section ~~3701.881~~ 3740.11 of the Revised Code. 10207
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(C)(1) The department of aging or its designee shall take the following actions when the circumstances specified in division (C)(2) of this section apply: 10210
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(a) Refuse to issue a community-based long-term care services certificate to a self-employed provider; 10213
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(b) Revoke a self-employed provider's community-based long-term care services certificate; 10215
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(c) Refuse to award a community-based long-term care services contract or grant to a self-employed provider; 10217
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(d) Terminate a self-employed provider's community-based long-term care services contract or grant awarded on or after September 15, 2014. 10219
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(2) The following are the circumstances that require the department of aging or its designee to take action under division (C)(1) of this section: 10222
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(a) A review of the databases listed in division (E) of this section reveals any of the following:

(i) That the self-employed provider is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(ii) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the self-employed provider abused, neglected, or exploited a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(iii) That the self-employed provider is included in one or more of the databases, if any, specified in rules adopted under this section and the rules require the department or its designee to take action under division (C)(1) of this section if a self-employed provider is included in such a database.

(b) After the self-employed provider is provided, pursuant to division (F)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the self-employed provider fails to complete the form or provide the self-employed provider's fingerprint impressions on the standard impression sheet.

(c) Unless the self-employed provider meets standards specified in rules adopted under this section, the self-employed provider is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(D) The department of aging or its designee shall inform each self-employed provider of both of the following at the time of the

self-employed provider's initial application for a community-based 10256
long-term care services certificate or initial bid for a 10257
community-based long-term care services contract or grant: 10258

(1) That a review of the databases listed in division (E) of 10259
this section will be conducted to determine whether the department 10260
or its designee is required by division (C) of this section to 10261
refuse to issue or award a community-based long-term care services 10262
certificate or community-based long-term care services contract or 10263
grant to the self-employed provider; 10264

(2) That, unless the database review reveals that the 10265
department or its designee is required to refuse to issue or award 10266
a community-based long-term care services certificate or 10267
community-based long-term care services contract or grant to the 10268
self-employed provider, a criminal records check of the 10269
self-employed provider will be conducted and the self-employed 10270
provider is required to provide a set of the self-employed 10271
provider's fingerprint impressions as part of the criminal records 10272
check. 10273

(E) As a condition of issuing or awarding a community-based 10274
long-term care services certificate or community-based long-term 10275
care services contract or grant to a self-employed provider, the 10276
department of aging or its designee shall conduct a database 10277
review of the self-employed provider in accordance with rules 10278
adopted under this section. If rules adopted under this section so 10279
require, the department or its designee shall conduct a database 10280
review of a self-employed provider in accordance with the rules as 10281
a condition of not revoking or terminating the self-employed 10282
provider's community-based long-term care services certificate or 10283
community-based long-term care services contract or grant. A 10284
database review shall determine whether the self-employed provider 10285
is included in any of the following: 10286

(1) The excluded parties list system that is maintained by 10287

the United States general services administration pursuant to	10288
subpart 9.4 of the federal acquisition regulation and available at	10289
the federal web site known as the system for award management;	10290
(2) The list of excluded individuals and entities maintained	10291
by the office of inspector general in the United States department	10292
of health and human services pursuant to the "Social Security	10293
Act," 42 U.S.C. 1320a-7 and 1320c-5;	10294
(3) The registry of developmental disabilities employees	10295
established under section 5123.52 of the Revised Code;	10296
(4) The internet-based sex offender and child-victim offender	10297
database established under division (A)(11) of section 2950.13 of	10298
the Revised Code;	10299
(5) The internet-based database of inmates established under	10300
section 5120.66 of the Revised Code;	10301
(6) The state nurse aide registry established under section	10302
3721.32 of the Revised Code;	10303
(7) Any other database, if any, specified in rules adopted	10304
under this section.	10305
(F)(1) As a condition of issuing or awarding a	10306
community-based long-term care services certificate or	10307
community-based long-term care services contract or grant to a	10308
self-employed provider, the department of aging or its designee	10309
shall request that the superintendent of the bureau of criminal	10310
identification and investigation conduct a criminal records check	10311
of the self-employed provider. If rules adopted under this section	10312
so require, the department or its designee shall request that the	10313
superintendent conduct a criminal records check of a self-employed	10314
provider at times specified in the rules as a condition of not	10315
revoking or terminating the self-employed provider's	10316
community-based long-term care services certificate or	10317
community-based long-term care services contract or grant.	10318

However, the department or its designee is not required to request 10319
the criminal records check of the self-employed provider if the 10320
department or its designee, because of circumstances specified in 10321
division (C)(2)(a) of this section, is required to refuse to issue 10322
or award a community-based long-term care services certificate or 10323
community-based long-term care services contract or grant to the 10324
self-employed provider or to revoke or terminate the self-employed 10325
provider's certificate or contract or grant. 10326

If a self-employed provider for whom a criminal records check 10327
request is required by this section does not present proof of 10328
having been a resident of this state for the five-year period 10329
immediately prior to the date the criminal records check is 10330
requested or provide evidence that within that five-year period 10331
the superintendent has requested information about the 10332
self-employed provider from the federal bureau of investigation in 10333
a criminal records check, the department or its designee shall 10334
request that the superintendent obtain information from the 10335
federal bureau of investigation as part of the criminal records 10336
check. Even if a self-employed provider for whom a criminal 10337
records check request is required by this section presents proof 10338
of having been a resident of this state for the five-year period, 10339
the department or its designee may request that the superintendent 10340
include information from the federal bureau of investigation in 10341
the criminal records check. 10342

(2) The department or its designee shall do all of the 10343
following: 10344

(a) Provide to each self-employed provider for whom a 10345
criminal records check request is required by this section a copy 10346
of the form prescribed pursuant to division (C)(1) of section 10347
109.572 of the Revised Code and a standard impression sheet 10348
prescribed pursuant to division (C)(2) of that section; 10349

(b) Obtain the completed form and standard impression sheet 10350

from the self-employed provider; 10351

(c) Forward the completed form and standard impression sheet 10352
to the superintendent. 10353

(3) The department or its designee shall pay to the bureau of 10354
criminal identification and investigation the fee prescribed 10355
pursuant to division (C)(3) of section 109.572 of the Revised Code 10356
for each criminal records check of a self-employed provider the 10357
department or its designee requests under this section. The 10358
department or its designee may charge the self-employed provider a 10359
fee that does not exceed the amount the department or its designee 10360
pays to the bureau. 10361

(G) The report of any criminal records check of a 10362
self-employed provider conducted pursuant to a request made under 10363
this section is not a public record for the purposes of section 10364
149.43 of the Revised Code and shall not be made available to any 10365
person other than the following: 10366

(1) The self-employed provider or the self-employed 10367
provider's representative; 10368

(2) The department of aging, the department's designee, or a 10369
representative of the department or its designee; 10370

(3) The medicaid director and the staff of the department of 10371
medicaid who are involved in the administration of the medicaid 10372
program if the self-employed provider is to provide, or provides, 10373
community-based long-term care services under a component of the 10374
medicaid program that the department of aging administers; 10375

(4) A court, hearing officer, or other necessary individual 10376
involved in a case dealing with any of the following: 10377

(a) A refusal to issue or award a community-based long-term 10378
services certificate or community-based long-term care services 10379
contract or grant to the self-employed provider; 10380

(b) A revocation or termination of the self-employed provider's community-based long-term care services certificate or community-based long-term care services contract or grant;

(c) A civil or criminal action regarding a program the department of aging administers.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by a self-employed provider, both of the following shall apply:

(1) If the department of aging or its designee, in good faith and reasonable reliance on the report of a criminal records check requested under this section, issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant, the department and its designee shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate.

(2) If the department or its designee in good faith issued or awarded a community-based long-term care services certificate or community-based long-term care services contract or grant to the self-employed provider or did not revoke or terminate the self-employed provider's certificate or contract or grant because the self-employed provider meets standards specified in rules adopted under this section, the department and its designee shall not be found negligent solely because the self-employed provider has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(I) The director of aging shall adopt rules in accordance

with Chapter 119. of the Revised Code to implement this section. 10412

(1) The rules may do the following: 10413

(a) Require self-employed providers who have been issued or 10414
awarded community-based long-term care services certificates or 10415
community-based long-term care services contracts or grants to 10416
undergo database reviews and criminal records checks under this 10417
section; 10418

(b) If the rules require self-employed providers who have 10419
been issued or awarded community-based long-term care services 10420
certificates or community-based long-term care services contracts 10421
or grants to undergo database reviews and criminal records checks 10422
under this section, exempt one or more classes of such 10423
self-employed providers from the requirements; 10424

(c) For the purpose of division (E)(7) of this section, 10425
specify other databases that are to be checked as part of a 10426
database review conducted under this section. 10427

(2) The rules shall specify all of the following: 10428

(a) The procedures for conducting database reviews under this 10429
section; 10430

(b) If the rules require self-employed providers who have 10431
been issued or awarded community-based long-term care services 10432
certificates or community-based long-term care services contracts 10433
or grants to undergo database reviews and criminal records checks 10434
under this section, the times at which the database reviews and 10435
criminal records checks are to be conducted; 10436

(c) If the rules specify other databases to be checked as 10437
part of the database reviews, the circumstances under which the 10438
department of aging or its designee is required to refuse to issue 10439
or award a community-based long-term care services certificate or 10440
community-based long-term care services contract or grant to a 10441

self-employed provider or to revoke or terminate a self-employed 10442
provider's certificate or contract or grant when the self-employed 10443
provider is found by a database review to be included in one or 10444
more of those databases; 10445

(d) Standards that a self-employed provider must meet for the 10446
department or its designee to be permitted to issue or award a 10447
community-based long-term care services certificate or 10448
community-based long-term care services contract or grant to the 10449
self-employed provider or not to revoke or terminate the 10450
self-employed provider's certificate or contract or grant if the 10451
self-employed provider is found by a criminal records check 10452
required by this section to have been convicted of, pleaded guilty 10453
to, or been found eligible for intervention in lieu of conviction 10454
for a disqualifying offense. 10455

Sec. 173.39. (A) As used in sections 173.39 to 173.393 of the 10456
Revised Code: 10457

(1) "Provider" means a person or government entity that 10458
provides any services, including community-based long-term care 10459
services, under a program the department of aging administers. 10460
"Provider" includes a person or government entity that provides 10461
home and community-based services to older adults through the 10462
PASSPORT program or assisted living program as defined in section 10463
173.51 of the Revised Code. 10464

(2) "Community-based long-term care services" has the same 10465
meaning as in section 173.14 of the Revised Code. 10466

(3) "PASSPORT program" and "assisted living program" have the 10467
same meanings as in section 173.51 of the Revised Code. 10468

(B) ~~Except as provided in section 173.392 of the Revised~~ 10469
~~Code, the~~ The department of aging ~~may~~ shall not pay a provider for 10470
providing any service, including community-based long-term care 10471

services, under a the PASSPORT program or assisted living program 10472
unless the provider is certified under section 173.391 of the 10473
Revised Code and the service is in fact provided. 10474

The department may require a provider under any other program 10475
the department administers to be certified under section 173.391 10476
of the Revised Code. If the department requires this 10477
certification, the department shall not pay the provider for 10478
providing any service under that program unless the provider is 10479
certified under section 173.391 of the Revised Code and ~~provides~~ 10480
~~the services~~ the service is in fact provided. If the department 10481
does not require this certification, the department shall not pay 10482
the provider for providing any service under that program unless 10483
the provider complies with section 173.392 of the Revised Code. 10484

Sec. 173.391. (A) Subject to section 173.381 of the Revised 10485
Code, the department of aging or its designee shall do all of the 10486
following in accordance with Chapter 119. of the Revised Code: 10487

(1) Certify a provider to provide services, including 10488
community-based long-term care services, under a program the 10489
department administers if the provider satisfies the requirements 10490
for certification established by rules adopted under division (B) 10491
of this section and pays the fee, if any, established by rules 10492
adopted under division (G) of this section; 10493

(2) When required to do so by rules adopted under division 10494
(B) of this section, take one or more of the following 10495
disciplinary actions against a provider certified under division 10496
(A)(1) of this section: 10497

(a) Issue a written warning; 10498

(b) Require the submission of a plan of correction or 10499
evidence of compliance with requirements identified by the 10500
department; 10501

(c) Suspend referrals;	10502
(d) Remove clients;	10503
(e) Impose a fiscal sanction such as a civil monetary penalty or an order that unearned funds be repaid;	10504 10505
(f) Suspend the certification;	10506
(g) Revoke the certification;	10507
(h) Impose another sanction.	10508
(3) Except as provided in division (E) of this section, hold hearings when there is a dispute between the department or its designee and a provider concerning actions the department or its designee takes regarding a decision not to certify the provider under division (A)(1) of this section or a disciplinary action under divisions (A)(2)(e) to (h) of this section.	10509 10510 10511 10512 10513 10514
(B) The director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code establishing certification requirements and standards for determining which type of disciplinary action to take under division (A)(2) of this section in individual situations. The rules shall establish procedures for all of the following:	10515 10516 10517 10518 10519 10520
(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	10521 10522
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	10523 10524 10525
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	10526 10527 10528 10529
(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	10530 10531

(C) The procedures established in rules adopted under 10532
division (B)(2) of this section shall require that all of the 10533
following be considered as part of an evaluation described in 10534
division (B)(2) of this section: 10535

(1) The provider's experience and financial responsibility; 10536

(2) The provider's ability to comply with standards for the 10537
services, including community-based long-term care services, that 10538
the provider provides under a program the department administers; 10539

(3) The provider's ability to meet the needs of the 10540
individuals served; 10541

(4) Any other factor the director considers relevant. 10542

(D) The rules adopted under division (B)(3) of this section 10543
shall specify that the reasons disciplinary action may be taken 10544
under division (A)(2) of this section include good cause, 10545
including misfeasance, malfeasance, nonfeasance, confirmed abuse 10546
or neglect, financial irresponsibility, or other conduct the 10547
director determines is injurious, or poses a threat, to the health 10548
or safety of individuals being served. 10549

(E) Subject to division (F) of this section, the department 10550
is not required to hold hearings under division (A)(3) of this 10551
section if any of the following conditions apply: 10552

(1) Rules adopted by the director of aging pursuant to this 10553
chapter require the provider to be a party to a provider 10554
agreement; hold a license, certificate, or permit; or maintain a 10555
certification, any of which is required or issued by a state or 10556
federal government entity other than the department of aging, and 10557
either of the following is the case: 10558

(a) The provider agreement has not been entered into or the 10559
license, certificate, permit, or certification has not been 10560
obtained or maintained. 10561

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with 10624
Chapter 119. of the Revised Code establishing a fee to be charged 10625
by the department of aging or its designee for certification 10626
issued under this section. 10627

(H) Any amounts collected by the department or its designee 10628
under this section shall be deposited in the state treasury to the 10629
credit of the provider certification fund, which is hereby 10630
created. Money credited to the fund shall be used to pay for 10631
services, including community-based long-term care services, to 10632
pay for administrative costs associated with provider 10633
certification under this section, and to pay for administrative 10634
costs related to the publication of the Ohio long-term care 10635
consumer guide. 10636

Sec. 173.392. (A) ~~The~~ In the case of a provider that the 10637
department of aging under section 173.39 of the Revised Code has 10638
not required to be certified under section 173.391 of the Revised 10639
Code, the department of ~~aging~~ may pay a the provider for providing 10640
services, including community-based long-term care services, under 10641
a program the department administers, ~~even though the provider is~~ 10642
~~not certified under section 173.391 of the Revised Code, but only~~ 10643
if all of the following are the case: 10644

(1) The provider has a contract with the department of aging 10645
or the department's designee to provide the services in accordance 10646
with the contract or has received a grant from the department or 10647
its designee to provide the services in accordance with a grant 10648
agreement; 10649

(2) The contract or grant agreement includes detailed 10650
conditions of participation for the provider and service standards 10651
that the provider is required to satisfy; 10652

(3) The provider complies with the contract or grant 10653
agreement; 10654

(4) The contract or grant is not for medicaid-funded 10655
services, other than services provided under the PACE program 10656
administered by the department of aging under section 173.50 of 10657
the Revised Code. 10658

(B)(1) The director of aging shall adopt rules in accordance 10659
with Chapter 119. of the Revised Code governing both of the 10660
following: 10661

(a) Contracts and grant agreements between the department of 10662
aging or its designee and providers; 10663

(b) The department's payment for services, including 10664
community-based long-term care services, under this section. 10665

(2) The rules adopted under this section shall be consistent 10666
with section 173.381 of the Revised Code. 10667

Sec. 173.393. (A) Except as provided in division (B) of this 10668
section, the records of an evaluation conducted in accordance with 10669
rules adopted under division (B)(2) of section 173.391 of the 10670
Revised Code are public records for purposes of section 149.43 of 10671
the Revised Code and shall be made available on request of any 10672
person, including individuals receiving or seeking any services, 10673
including community-based long-term care services, under a program 10674
the department of aging administers. 10675

(B) A part of a record of an evaluation that is otherwise 10676
available as a public record under division (A) of this section is 10677
not available as a public record if its release would violate a 10678
federal or state statute, regulation, or rule, including 10679
regulations adopted by the United States department of health and 10680
human services to implement the health information privacy 10681
provisions of the "Health Insurance Portability and Accountability 10682
Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as 10683
amended. 10684

Sec. 174.01. As used in this chapter:	10685
(A) "Financial assistance" means grants, loans, loan guarantees, an equity position in a project, or loan subsidies.	10686 10687
(B) "Grant" means funding the <u>department of development services</u> agency or the Ohio housing finance agency provides for which the relevant agency does not require repayment.	10688 10689 10690
(C) "Housing" means housing for owner-occupancy and multifamily rental housing.	10691 10692
(D) "Housing for owner-occupancy" means housing that is intended for occupancy by an owner as a principal residence. "Housing for owner-occupancy" may be any type of structure and may be owned in any type of ownership.	10693 10694 10695 10696
(E) "Housing trust fund" means the low- and moderate-income housing trust fund created and administered pursuant to Chapter 174. of the Revised Code.	10697 10698 10699
(F) "Lending institution" means any financial institution qualified to conduct business in this state, a subsidiary corporation that is wholly owned by a financial institution qualified to conduct business in this state, and a mortgage lender whose regular business is originating, servicing, or brokering real estate loans and who is qualified to do business in this state.	10700 10701 10702 10703 10704 10705 10706
(G) "Loan" means any extension of credit or other form of financing or indebtedness directly or indirectly to a borrower with the expectation that it will be repaid in accordance with the terms of the underlying loan agreement or other pertinent document. "Loan" includes financing extended to lending institutions and indebtedness purchased from lending institutions.	10707 10708 10709 10710 10711 10712
(H) "Loan guarantee" means any agreement in favor of a lending institution or other lender in which the credit and	10713 10714

resources of the housing trust fund are pledged to secure the 10715
payment or collection of financing extended to a borrower for the 10716
acquisition, construction, improvement, rehabilitation or 10717
preservation of housing, or to refinance any financing previously 10718
extended for those purposes by any lender. 10719

(I) "Loan subsidy" means any deposit of funds into a lending 10720
institution with the authorization or direction that the income or 10721
revenues the deposit earns, or could have earned at competitive 10722
rates, be applied directly or indirectly to the benefit of housing 10723
assistance or financial assistance. 10724

(J) "Low- and moderate-income persons" means individuals and 10725
families who qualify as low- and moderate-income persons pursuant 10726
to guidelines the ~~development services agency~~ department 10727
establishes. 10728

(K) "Multifamily rental housing" means multiple unit housing 10729
intended for rental occupancy. 10730

(L) "Nonprofit organization" means a nonprofit organization 10731
in good standing and qualified to conduct business in this state 10732
including any corporation whose members are members of a 10733
metropolitan housing authority. 10734

~~(M) "Department of development" means the development 10735
services agency and "director of development" means the director 10736
of development services. 10737~~

Sec. 174.02. (A) The low- and moderate-income housing trust 10738
fund is hereby created in the state treasury. The fund consists of 10739
all appropriations made to the fund, housing trust fund fees 10740
collected by county recorders pursuant to section 317.36 of the 10741
Revised Code and deposited into the fund pursuant to section 10742
319.63 of the Revised Code, and all grants, gifts, loan 10743
repayments, and contributions of money made from any source to the 10744

~~department of development services agency~~ for deposit in the fund. 10745
All investment earnings of the fund shall be credited to the fund. 10746
The director of development ~~services~~ shall allocate a portion of 10747
the money in the fund to an account of the Ohio housing finance 10748
agency. The ~~development services agency~~ department shall 10749
administer the fund. The Ohio housing finance agency shall use 10750
money allocated to it for implementing and administering its 10751
programs and duties under sections 174.03 and 174.05 of the 10752
Revised Code, and the ~~development services agency~~ department shall 10753
use the remaining money in the fund for implementing and 10754
administering its programs and duties under sections 174.03 to 10755
174.06 of the Revised Code. Use of all money drawn from the fund 10756
is subject to the following restrictions: 10757

(1)(a) Not more than five per cent of the current year 10758
appropriation authority for the fund shall be allocated between 10759
grants to community development corporations for the community 10760
development corporation grant program and grants and loans to the 10761
Ohio community development finance fund, a private nonprofit 10762
corporation. 10763

(b) In any year in which the amount in the fund exceeds one 10764
hundred thousand dollars and at least that much is allocated for 10765
the uses described in this section, not less than one hundred 10766
thousand dollars shall be used to provide training, technical 10767
assistance, and capacity building assistance to nonprofit 10768
development organizations. 10769

(2) Not more than ten per cent of any current year 10770
appropriation authority for the fund shall be used for the 10771
emergency shelter housing grants program to make grants to 10772
private, nonprofit organizations and municipal corporations, 10773
counties, and townships for emergency shelter housing for the 10774
homeless and emergency shelter facilities serving unaccompanied 10775
youth seventeen years of age and younger. The grants shall be 10776

distributed pursuant to rules the director adopts and qualify as 10777
matching funds for funds obtained pursuant to the McKinney Act, 10778
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 10779

(3) In any fiscal year in which the amount in the fund 10780
exceeds the amount awarded pursuant to division (A)(1)(b) of this 10781
section by at least two hundred fifty thousand dollars, at least 10782
two hundred fifty thousand dollars from the fund shall be provided 10783
to the department of aging for the resident services coordinator 10784
program as established in section 173.08 of the Revised Code. 10785

(4) Of all current year appropriation authority for the fund, 10786
not more than five per cent shall be used for administration. 10787

(5) Not less than forty-five per cent of the funds awarded 10788
during any one fiscal year shall be for grants and loans to 10789
nonprofit organizations under section 174.03 of the Revised Code. 10790

(6) Not less than fifty per cent of the funds awarded during 10791
any one fiscal year, excluding the amounts awarded pursuant to 10792
divisions (A)(1), (2), and (7) of this section, shall be for 10793
grants and loans for activities that provide housing and housing 10794
assistance to families and individuals in rural areas and small 10795
cities that are not eligible to participate as a participating 10796
jurisdiction under the "HOME Investment Partnerships Act," 104 10797
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 10798

(7) No money in the fund shall be used to pay for any legal 10799
services other than the usual and customary legal services 10800
associated with the acquisition of housing. 10801

(8) Money in the fund may be used as matching money for 10802
federal funds received by the state, counties, municipal 10803
corporations, and townships for the activities listed in section 10804
174.03 of the Revised Code. 10805

(B) If, after the second quarter of any year, it appears to 10806
the director ~~of development services~~ that the full amount of the 10807

money in the fund designated in that year for activities that 10808
provide housing and housing assistance to families and individuals 10809
in rural areas and small cities under division (A) of this section 10810
will not be used for that purpose, the director may reallocate all 10811
or a portion of that amount for other housing activities. In 10812
determining whether or how to reallocate money under this 10813
division, the director may consult with and shall receive advice 10814
from the housing trust fund advisory committee. 10815

Sec. 183.021. (A) No money from the tobacco master settlement 10816
agreement fund, as that fund existed prior to the repeal of 10817
section 183.02 of the Revised Code by H.B. 119 of the 127th 10818
general assembly, shall be expended to do any of the following: 10819

(1) Hire an executive agency lobbyist, as defined under 10821
section 121.60 of the Revised Code, or a legislative agent, as 10822
defined under section 101.70 of the Revised Code; 10823

(2) Support or oppose candidates, ballot questions, 10824
referendums, or ballot initiatives. 10825

(B) Nothing in this section prohibits ~~either of the following~~ 10826
~~the members or employees of the third frontier commission or the~~ 10827
~~members of the third frontier advisory board~~ from advocating on 10828
behalf of the specific objectives of a program funded under this 10829
chapter. 10830

~~(1) The members of the board of trustees, executive director,~~ 10831
~~or employees of the southern Ohio agricultural and community~~ 10832
~~development foundation;~~ 10833

~~(2) The members or employees of the third frontier commission~~ 10834
~~or the members of the third frontier advisory board.~~ 10835

Sec. 183.18. (A) Ohio's public health priorities fund is 10836
hereby created in the state treasury. All investment earnings of 10837

the fund shall be credited to the fund. Notwithstanding any 10838
conflicting provision of the Revised Code, the director of budget 10839
and management may credit to the fund any money received by the 10840
state, director of health, or department of health as part of a 10841
settlement agreement relating to a pressing public health issue. 10842
The director of budget and management may also credit to the fund 10843
any grant, gift, devise, bequest, or contribution made to the 10844
state to support public health. 10845

(B) Money credited to the fund shall be used by the director 10846
of health for the following purposes: 10847

(1) To conduct public health awareness and educational 10848
campaigns; 10849

(2) To address any pressing public health issue identified by 10850
the director or described in the state health improvement plan or 10851
a successor document prepared for the department of health; 10852

(3) To implement and administer innovative public health 10853
programs and prevention strategies; 10854

(4) To improve the population health of Ohio. 10855

The director may collaborate with one or more nonprofit 10856
entities, including a public health foundation, to meet the 10857
requirements of division (B) of this section. 10858

Sec. 183.33. No money shall be appropriated or transferred 10859
from the general revenue fund to the law enforcement improvements 10860
trust fund, ~~southern Ohio agricultural and community development~~ 10861
~~foundation endowment fund~~, biomedical research and technology 10862
transfer trust fund, or education technology trust fund. 10863

Sec. 184.01. (A) There is hereby created the third frontier 10864
commission in the department of development services ~~agency~~. The 10865
purpose of the commission is to coordinate and administer science 10866

and technology programs to promote the welfare of the people of 10867
the state and to maximize the economic growth of the state through 10868
expansion of both of the following: 10869

(1) The state's high technology research and development 10870
capabilities; 10871

(2) The state's product and process innovation and 10872
commercialization. 10873

(B)(1) The commission shall consist of eleven members: the 10874
director of development ~~services~~, the chancellor of ~~the Ohio board~~ 10875
~~of regents~~ higher education, the governor's science and technology 10876
advisor, the chief investment officer of the nonprofit corporation 10877
formed under section 187.01 of the Revised Code, and seven persons 10878
appointed by the governor with the advice and consent of the 10879
senate. 10880

(2) Of the seven persons appointed by the governor, one shall 10881
represent the central region, which is composed of the counties of 10882
Delaware, Fairfield, Fayette, Franklin, Hocking, Knox, Licking, 10883
Logan, Madison, Marion, Morrow, Perry, Pickaway, Ross, and Union; 10884
one shall represent the west central region, which is composed of 10885
the counties of Champaign, Clark, Darke, Greene, Miami, 10886
Montgomery, Preble, and Shelby; one shall represent the northeast 10887
region, which is composed of the counties of Ashland, Ashtabula, 10888
Carroll, Crawford, Columbiana, Cuyahoga, Erie, Geauga, Holmes, 10889
Huron, Lake, Lorain, Mahoning, Medina, Portage, Richland, Stark, 10890
Summit, Trumbull, Tuscarawas, and Wayne; one shall represent the 10891
northwest region, which is composed of the counties of Allen, 10892
Auglaize, Defiance, Fulton, Hancock, Hardin, Henry, Lucas, Mercer, 10893
Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, 10894
Wood, and Wyandot; one shall represent the southeast region, which 10895
shall represent the counties of Adams, Athens, Belmont, Coshocton, 10896
Gallia, Guernsey, Harrison, Jackson, Jefferson, Lawrence, Meigs, 10897

Monroe, Morgan, Muskingum, Noble, Pike, Scioto, Vinton, and 10898
Washington; one shall represent the southwest region, which is 10899
composed of the counties of Butler, Brown, Clermont, Clinton, 10900
Hamilton, Highland, and Warren; and one shall represent the public 10901
at large. Of the initial appointments, two shall be for one year, 10902
two shall be for two years, and two shall be for three years as 10903
assigned by the governor. Thereafter, appointments shall be for 10904
three-year terms. Members may be reappointed and vacancies shall 10905
be filled in the same manner as appointments. A person must have a 10906
background in business or research in order to be eligible for 10907
appointment to the commission. 10908

(3) The governor shall select a chairperson from among the 10909
members, who shall serve in that role at the pleasure of the 10910
governor. Sections 101.82 to 101.87 of the Revised Code do not 10911
apply to the commission. 10912

(C) The commission shall meet at least once during each 10913
quarter of the calendar year or at the call of the chairperson. A 10914
majority of all members of the commission constitutes a quorum, 10915
and no action shall be taken without the concurrence of a majority 10916
of the members. 10917

(D) The commission shall administer any money that may be 10918
appropriated to it by the general assembly. The commission may use 10919
such money for research and commercialization and for any other 10920
purposes that may be designated by the commission. 10921

(E) The ~~development services agency~~ department shall provide 10922
office space and facilities for the commission. Administrative 10923
costs associated with the operation of the commission or with any 10924
program or activity administered by the commission shall be paid 10925
from amounts appropriated to the commission or to the ~~agency~~ 10926
department for such purposes. 10927

(F) The attorney general shall serve as the legal 10928

representative for the commission and may appoint other counsel as 10929
necessary for that purpose in accordance with section 109.07 of 10930
the Revised Code. 10931

(G) Members of the commission shall serve without 10932
compensation, but shall receive their reasonable and necessary 10933
expenses incurred in the conduct of commission business. 10934

(H) Members of the commission shall file financial disclosure 10935
statements described in division (B) of section 102.02 of the 10936
Revised Code. 10937

Sec. 184.173. The third frontier commission shall conduct the 10938
outreach activities described in sections 184.171 and 184.172 of 10939
the Revised Code in conjunction with the EDGE program created 10940
under section ~~123.152~~ 122.922 of the Revised Code. 10941

Sec. 188.01. As used in sections 188.01 to 188.23 of the 10942
Revised Code: 10943

(A) "Broadband service" means any wholesale or retail service 10944
that consists of, or includes the provision of, connectivity to a 10945
high-speed, high-capacity transmission medium that can carry 10946
signals from or to multiple sources and that either provides 10947
access to the internet or provides computer processing, 10948
information storage, information content or protocol conversion, 10949
including any service applications or information service provided 10950
over such high-speed access service. "Broadband service" includes 10951
video service, voice over internet protocol service, and internet 10952
protocol-enabled services. 10953

(B) "Electric cooperative" has the same meaning as in section 10954
4928.01 of the Revised Code. 10955

(C) "Internet protocol-enabled services" and "voice over 10956
internet protocol service" have the same meanings as in section 10957
4927.01 of the Revised Code. 10958

<u>(D) "Servient estate" means the land burdened by an easement.</u>	10959
<u>(E) "Video programming" means any programming generally</u>	10960
<u>considered comparable to programming provided by a television</u>	10961
<u>broadcast station.</u>	10962
<u>(F) "Video service" means video programming services without</u>	10963
<u>regard to delivery technology, including internet protocol</u>	10964
<u>technology and video programming provided as a part of a service</u>	10965
<u>that enables users to access content, information, electronic</u>	10966
<u>mail, or other services offered over the public internet.</u>	10967
<u>Sec. 188.02. An easement granted to an electric cooperative</u>	10968
<u>for purposes of transmitting, delivering, or otherwise providing</u>	10969
<u>electric power may be used, apportioned, or subleased to provide</u>	10970
<u>broadband service and such use, apportionment, or sublease shall</u>	10971
<u>not be considered an additional burden on the servient estate.</u>	10972
<u>Sec. 188.05. (A) If the owner of the servient estate of an</u>	10973
<u>easement described in section 188.02 of the Revised Code brings an</u>	10974
<u>action regarding the use, apportionment, or sublease of the</u>	10975
<u>easement for broadband service, the court may award damages to the</u>	10976
<u>owner equal to not more than the difference between the following:</u>	10977
<u>(1) The fair market value of the owner's interest in the</u>	10978
<u>property of the estate immediately before the provision of</u>	10979
<u>broadband service;</u>	10980
<u>(2) The fair market value of the owner's interest in the</u>	10981
<u>property of the estate immediately after the provision of</u>	10982
<u>broadband service.</u>	10983
<u>(B) Any damages awarded under division (A) of this section</u>	10984
<u>shall be a fixed amount that shall not continue, accumulate, or</u>	10985
<u>accrue.</u>	10986
<u>(C) The values described in division (A) of this section</u>	10987

shall be established by the testimony of a qualified real estate appraiser. 10988
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Sec. 188.08. The court may not grant injunctive relief or any other equitable relief for an action described in section 188.05 of the Revised Code. 10990
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Sec. 188.11. Actions described in section 188.05 of the Revised Code shall be brought within one year of any alleged damage described in that section. Any action not brought within one year will result in forfeiture of that claim. 10993
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Sec. 188.14. Past, current, or future revenues or profits derived or to be derived from the use, apportionment, or sublease of an easement for broadband service are not admissible for any purpose in an action described in section 188.05 of the Revised Code. 10997
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Sec. 188.17. Any court determination regarding an easement subject to an action described in section 188.05 of the Revised Code shall be considered a finding that the provision of broadband service is an allowable use or purpose under the easement as if the use or purpose was specifically stated in the terms of the easement. 11002
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Sec. 188.20. A court determination described in section 188.17 of the Revised Code shall be filed by the defendant in the action with the county recorder of the county in which the servient estate subject to the determination is located. The recorder shall make a notation in the official record that links the determination to the servient estate and the easement subject to the determination. 11008
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Sec. 188.23. The owner of a servient estate of an easement 11015
described in section 188.02 of the Revised Code may not bring an 11016
action described in section 188.05 of the Revised Code if any of 11017
the following apply: 11018

(A) The owner, either directly or through the owner's 11019
membership in the electric cooperative or otherwise, authorized 11020
the electric cooperative's electric delivery system for the 11021
provision of broadband services. 11022

(B) The owner, or any of the previous owners of the property 11023
that makes up the servient estate, has agreed to, or granted 11024
permission for, the use of the easement to provide broadband 11025
service. 11026

(C) The facilities providing broadband service are used or 11027
are capable of being used to assist in the transmission, delivery, 11028
or use of electric service. 11029

Sec. 188.27. Sections 188.01 to 188.23 of the Revised Code 11030
shall not be construed as expanding the authority of the state, 11031
its agencies, or political subdivisions beyond the authority 11032
existing under federal law or the laws of this state. 11033

Sec. 188.30. Sections 163.01 to 163.22 of the Revised Code do 11034
not apply regarding the application of sections 188.01 to 188.23 11035
of the Revised Code. 11036

Sec. 303.251. (A) If a program grant is awarded for an 11037
eligible project under sections 122.40 to 122.4077 of the Revised 11038
Code, the board of county commissioners of the county in which the 11039
project is situated, by resolution, may levy a special assessment 11040
upon residential property within the county for the purpose of 11041
providing a contribution from the county towards the funding gap 11042
for the eligible project. Assessments under this section shall be 11043

levied only upon the residential property that is subject to the 11044
eligible project. Before adopting the resolution, the board shall 11045
send written notice to each affected property owner stating the 11046
estimated assessment for that property. If an owner objects to the 11047
stated estimated assessment, the owner shall file a written 11048
objection with the board not later than two weeks after the notice 11049
is mailed. The board shall review the written objections and may 11050
revise the estimated assessments before adopting the resolution. 11051
If the property owner objects to the final assessment for the 11052
property levied in the resolution, the owner may appeal the final 11053
assessment under Chapter 2506. of the Revised Code. 11054

(B) The assessment shall be at a rate that will produce a 11055
total assessment that is not more than the county's contribution 11056
towards the funding gap for the eligible project as described in 11057
the application under section 122.4020 of the Revised Code. The 11058
board shall certify the amount to be levied upon each affected 11059
property to the county auditor, who shall enter the amount on the 11060
tax duplicate for collection by the county treasurer in equal 11061
semiannual installments in the same manner and at the same times 11062
as the collection of taxes on real property. Assessments shall be 11063
paid by owners of the properties upon which assessments are 11064
levied. 11065

(C) The assessments, when collected, shall be paid by the 11066
county auditor by warrant on the county treasurer into a special 11067
fund in the county treasury created for the purpose of funding an 11068
eligible project for which a program grant is awarded under 11069
sections 122.40 to 122.4077 of the Revised Code and that is 11070
located in the county. The board may expend moneys from the fund 11071
only for the purposes for which the assessments were levied. 11072

Sec. 307.921. From any contracts to be awarded under sections 11073
307.86 to 307.92 of the Revised Code, the contracting authority, 11074

as defined in section 307.92 of the Revised Code, may develop a 11075
policy to assist minority business enterprises, as defined in 11076
sections 122.71 and ~~123.151~~ 122.921 of the Revised Code. 11077

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Sec. 307.93. (A)(1) The boards of county commissioners of two 11079
or more adjacent counties may contract for the joint establishment 11080
of a multicounty correctional center, and the board of county 11081
commissioners of a county or the boards of two or more counties 11082
may contract with any municipal corporation or municipal 11083
corporations located in that county or those counties for the 11084
joint establishment of a municipal-county or multicounty-municipal 11085
correctional center. The center shall augment county and, where 11086
applicable, municipal jail programs and facilities by providing 11087
custody and rehabilitative programs for those persons under the 11088
charge of the sheriff of any of the contracting counties or of the 11089
officer or officers of the contracting municipal corporation or 11090
municipal corporations having charge of persons incarcerated in 11091
the municipal jail, workhouse, or other correctional facility who, 11092
in the opinion of the sentencing court, need programs of custody 11093
and rehabilitation not available at the county or municipal jail 11094
and by providing custody and rehabilitative programs in accordance 11095
with division (C) of this section, if applicable. The contract may 11096
include, but need not be limited to, provisions regarding the 11097
acquisition, construction, maintenance, repair, termination of 11098
operations, and administration of the center. ~~The acquisition of~~ 11099
~~the facility, to the extent appropriate, may include the leasing~~ 11100
~~of the Ohio river valley facility or a specified portion of that~~ 11101
~~facility pursuant to division (B)(3) of this section.~~ The contract 11102
shall prescribe the manner of funding of, and debt assumption for, 11103
the center and the standards and procedures to be followed in the 11104
operation of the center. Except as provided in division (G) of 11105
this section, the contracting counties and municipal corporations 11106

shall form a corrections commission to oversee the administration 11107
of the center. Members of the commission shall consist of the 11108
sheriff of each participating county, a member of the board of 11109
county commissioners of each participating county, the chief of 11110
police of each participating municipal corporation, and the mayor 11111
or city manager of each participating municipal corporation. Any 11112
of the foregoing officers may appoint a designee to serve in the 11113
officer's place on the corrections commission. 11114

The standards and procedures prescribed under this division 11115
shall be formulated and agreed to by the commission and may be 11116
amended at any time during the life of the contract by agreement 11117
of a majority of the voting members of the commission or by other 11118
means set forth in the contract between the contracting counties 11119
and municipal corporations. The standards and procedures 11120
formulated by the commission and amendments to them shall include, 11121
but need not be limited to, designation of the person in charge of 11122
the center, designation of a fiscal agent, the categories of 11123
employees to be employed at the center, the appointing authority 11124
of the center, and the standards of treatment and security to be 11125
maintained at the center. The person in charge of, and all persons 11126
employed to work at, the center shall have all the powers of 11127
police officers that are necessary for the proper performance of 11128
the duties and work responsibilities of the center, provided that 11129
the corrections officers of the center may carry firearms in the 11130
performance of those duties and responsibilities only in 11131
accordance with division (A)(2) of this section. 11132

(2) The person in charge of a multicounty correctional 11133
center, or of a municipal-county or multicounty-municipal 11134
correctional center, may grant permission to a corrections officer 11135
of the center to carry firearms when required in the discharge of 11136
official duties if the corrections officer has successfully 11137
completed a basic firearm training program that is approved by the 11138

executive director of the Ohio peace officer training commission. 11139
A corrections officer who has been granted permission to carry 11140
firearms in the discharge of official duties annually shall 11141
successfully complete a firearms requalification program in 11142
accordance with section 109.801 of the Revised Code. A corrections 11143
officer may carry firearms under authority of this division only 11144
while the officer is acting within the scope of the officer's 11145
official duties. 11146

(B)(1) Upon the establishment of a corrections commission 11147
under division (A) of this section, the judges specified in this 11148
division shall form a judicial advisory board for the purpose of 11149
making recommendations to the corrections commission on issues of 11150
bed allocation, expansion of the center that the corrections 11151
commission oversees, and other issues concerning the 11152
administration of sentences or any other matter determined to be 11153
appropriate by the board. The judges who shall form the judicial 11154
advisory board for a corrections commission are the administrative 11155
judge of the general division of the court of common pleas of each 11156
county participating in the corrections center, the presiding 11157
judge of the municipal court of each municipal corporation 11158
participating in the corrections center, and the presiding judge 11159
of each county court of each county participating in the 11160
corrections center. If the number of the foregoing members of the 11161
board is even, the county auditor or the county auditor of the 11162
most populous county if the board serves more than one county 11163
shall also be a member of the board. Any of the foregoing judges 11164
may appoint a designee to serve in the judge's place on the 11165
judicial advisory board, provided that the designee shall be a 11166
judge of the same court as the judge who makes the appointment. 11167
The judicial advisory board for a corrections commission shall 11168
meet with the corrections commission at least once each year. 11169

(2) Each board of county commissioners that enters a contract 11170

under division (A) of this section may appoint a building 11171
commission pursuant to section 153.21 of the Revised Code. If any 11172
commissions are appointed, they shall function jointly in the 11173
construction of a multicounty or multicounty-municipal 11174
correctional center with all the powers and duties authorized by 11175
law. 11176

~~(3) Subject to the limitation described in this division, the 11177
boards of county commissioners that contract or have contracted 11178
for the joint establishment of a multicounty correctional center 11179
under division (A) of this section, or the boards of county 11180
commissioners of the counties and legislative authorities of the 11181
municipal corporations that contract or have contracted for the 11182
joint establishment of a municipal county or multicounty municipal 11183
correctional center under that division, may enter into an 11184
agreement with the director of administrative services pursuant to 11185
which the contracting counties and municipal corporations shall 11186
use the Ohio river valley facility or a specified portion of that 11187
facility as the multicounty correctional center, municipal county 11188
correctional center, or multicounty municipal correctional center 11189
covered by the contract entered into under division (A) of this 11190
section. A contract with the director of administrative services 11191
may be entered into under this division only if one or more of the 11192
contracting counties is adjacent to Scioto county. 11193~~

~~The department may enter into an agreement as described in 11194
this division at any time on or after September 29, 2017, or, if 11195
the department had entered into an agreement with the board of 11196
county commissioners of Lawrence county pursuant to section 11197
341.121 of the Revised Code for the use by the sheriff of that 11198
county of a specified portion of the facility as a jail for 11199
Lawrence county, at any time on or after the date that control of 11200
the specified portion of the facility reverts to the state under 11201
division (B)(4) or (C) of that section. 11202~~

(C) Prior to the acceptance for custody and rehabilitation 11203
into a center established under this section of any persons who 11204
are designated by the department of rehabilitation and correction, 11205
who plead guilty to or are convicted of a felony of the fourth or 11206
fifth degree, and who satisfy the other requirements listed in 11207
section 5120.161 of the Revised Code, the corrections commission 11208
of a center established under this section shall enter into an 11209
agreement with the department of rehabilitation and correction 11210
under section 5120.161 of the Revised Code for the custody and 11211
rehabilitation in the center of persons who are designated by the 11212
department, who plead guilty to or are convicted of a felony of 11213
the fourth or fifth degree, and who satisfy the other requirements 11214
listed in that section, in exchange for a per diem fee per person. 11215
Persons incarcerated in the center pursuant to an agreement 11216
entered into under this division shall be subject to supervision 11217
and control in the manner described in section 5120.161 of the 11218
Revised Code. This division does not affect the authority of a 11219
court to directly sentence a person who is convicted of or pleads 11220
guilty to a felony to the center in accordance with section 11221
2929.16 of the Revised Code. 11222

(D) Pursuant to section 2929.37 of the Revised Code, each 11223
board of county commissioners and the legislative authority of 11224
each municipal corporation that enters into a contract under 11225
division (A) of this section may require a person who was 11226
convicted of an offense, who is under the charge of the sheriff of 11227
their county or of the officer or officers of the contracting 11228
municipal corporation or municipal corporations having charge of 11229
persons incarcerated in the municipal jail, workhouse, or other 11230
correctional facility, and who is confined in the multicounty, 11231
municipal-county, or multicounty-municipal correctional center as 11232
provided in that division, to reimburse the applicable county or 11233
municipal corporation for its expenses incurred by reason of the 11234
person's confinement in the center. 11235

(E) Notwithstanding any contrary provision in this section or 11236
section 2929.18, 2929.28, or 2929.37 of the Revised Code, the 11237
corrections commission of a center may establish a policy that 11238
complies with section 2929.38 of the Revised Code and that 11239
requires any person who is not indigent and who is confined in the 11240
multicounty, municipal-county, or multicounty-municipal 11241
correctional center to pay a reception fee, a fee for medical 11242
treatment or service requested by and provided to that person, or 11243
the fee for a random drug test assessed under division (E) of 11244
section 341.26 of the Revised Code. 11245

(F)(1) The corrections commission of a center established 11246
under this section may establish a commissary for the center. The 11247
commissary may be established either in-house or by another 11248
arrangement. If a commissary is established, all persons 11249
incarcerated in the center shall receive commissary privileges. A 11250
person's purchases from the commissary shall be deducted from the 11251
person's account record in the center's business office. The 11252
commissary shall provide for the distribution to indigent persons 11253
incarcerated in the center of necessary hygiene articles and 11254
writing materials. 11255

(2) If a commissary is established, the corrections 11256
commission of a center established under this section shall 11257
establish a commissary fund for the center. The management of 11258
funds in the commissary fund shall be strictly controlled in 11259
accordance with procedures adopted by the auditor of state. 11260
Commissary fund revenue over and above operating costs and reserve 11261
shall be considered profits. All profits from the commissary fund 11262
shall be used to purchase supplies and equipment for the benefit 11263
of persons incarcerated in the center and to pay salary and 11264
benefits for employees of the center, or for any other persons, 11265
who work in or are employed for the sole purpose of providing 11266
service to the commissary. The corrections commission shall adopt 11267

rules and regulations for the operation of any commissary fund it 11268
establishes. 11269

(G) In lieu of forming a corrections commission to administer 11270
a multicounty correctional center or a municipal-county or 11271
multicounty-municipal correctional center, the boards of county 11272
commissioners and the legislative authorities of the municipal 11273
corporations contracting to establish the center may also agree to 11274
contract for the private operation and management of the center as 11275
provided in section 9.06 of the Revised Code, but only if the 11276
center houses only misdemeanor inmates. In order to enter into a 11277
contract under section 9.06 of the Revised Code, all the boards 11278
and legislative authorities establishing the center shall approve 11279
and be parties to the contract. 11280

(H) If a person who is convicted of or pleads guilty to an 11281
offense is sentenced to a term in a multicounty correctional 11282
center or a municipal-county or multicounty-municipal correctional 11283
center or is incarcerated in the center in the manner described in 11284
division (C) of this section, or if a person who is arrested for 11285
an offense, and who has been denied bail or has had bail set and 11286
has not been released on bail is confined in a multicounty 11287
correctional center or a municipal-county or multicounty-municipal 11288
correctional center pending trial, at the time of reception and at 11289
other times the officer, officers, or other person in charge of 11290
the operation of the center determines to be appropriate, the 11291
officer, officers, or other person in charge of the operation of 11292
the center may cause the convicted or accused offender to be 11293
examined and tested for tuberculosis, HIV infection, hepatitis, 11294
including but not limited to hepatitis A, B, and C, and other 11295
contagious diseases. The officer, officers, or other person in 11296
charge of the operation of the center may cause a convicted or 11297
accused offender in the center who refuses to be tested or treated 11298
for tuberculosis, HIV infection, hepatitis, including but not 11299

limited to hepatitis A, B, and C, or another contagious disease to 11300
be tested and treated involuntarily. 11301

(I) As used in this section: 11302

~~(1) "Multicounty municipal", "multicounty-municipal" means 11303~~
more than one county and a municipal corporation, or more than one 11304
municipal corporation and a county, or more than one municipal 11305
corporation and more than one county. 11306

~~(2) "Ohio river valley facility" has the same meaning as in 11307~~
~~section 341.121 of the Revised Code. 11308~~

Sec. 319.302. (A)(1) Real property that is not intended 11309
primarily for use in a business activity shall qualify for a 11310
partial exemption from real property taxation. For purposes of 11311
this partial exemption, "business activity" includes all uses of 11312
real property, except farming; leasing property for farming; 11313
occupying or holding property improved with single-family, 11314
two-family, or three-family dwellings; leasing property improved 11315
with single-family, two-family, or three-family dwellings; or 11316
holding vacant land that the county auditor determines will be 11317
used for farming or to develop single-family, two-family, or 11318
three-family dwellings. For purposes of this partial exemption, 11319
"farming" does not include land used for the commercial production 11320
of timber that is receiving the tax benefit under section 5713.23 11321
or 5713.31 of the Revised Code and all improvements connected with 11322
such commercial production of timber. 11323

(2) Each year, the county auditor shall review each parcel of 11324
real property to determine whether it qualifies for the partial 11325
exemption provided for by this section as of the first day of 11326
January of the current tax year. 11327

(B) After complying with section 319.301 of the Revised Code, 11328
the county auditor shall reduce the remaining sums to be levied by 11329

qualifying levies against each parcel of real property that is 11330
listed on the general tax list and duplicate of real and public 11331
utility property for the current tax year and that qualifies for 11332
partial exemption under division (A) of this section, and against 11333
each manufactured and mobile home that is taxed pursuant to 11334
division (D)(2) of section 4503.06 of the Revised Code and that is 11335
on the manufactured home tax list for the current tax year, by ten 11336
per cent, to provide a partial exemption for that parcel or home. 11337
For the purposes of this division: 11338

(1) "Qualifying levy" means a levy approved at an election 11339
held before September 29, 2013; a levy within the ten-mill 11340
limitation; a levy provided for by the charter of a municipal 11341
corporation that was levied on the tax list for tax year 2013; a 11342
subsequent renewal of any such levy; or a subsequent substitute 11343
for such a levy under section 5705.199 of the Revised Code. 11344

(2) "Qualifying levy" does not include any replacement 11345
imposed under section 5705.192 of the Revised Code of any levy 11346
described in division (B)(1) of this section. 11347

(C) Except as otherwise provided in sections 323.152, 11348
323.158, 323.16, 323.161, 505.06, and 715.263 of the Revised Code, 11349
the amount of the taxes remaining after any such reduction shall 11350
be the real and public utility property taxes charged and payable 11351
on each parcel of real property, including property that does not 11352
qualify for partial exemption under division (A) of this section, 11353
and the manufactured home tax charged and payable on each 11354
manufactured or mobile home, and shall be the amounts certified to 11355
the county treasurer for collection. Upon receipt of the real and 11356
public utility property tax duplicate, the treasurer shall certify 11357
to the tax commissioner the total amount by which the real 11358
property taxes were reduced under this section, as shown on the 11359
duplicate. Such reduction shall not directly or indirectly affect 11360
the determination of the principal amount of notes that may be 11361

issued in anticipation of any tax levies or the amount of bonds or 11362
notes for any planned improvements. If after application of 11363
sections 5705.31 and 5705.32 of the Revised Code and other 11364
applicable provisions of law, including divisions (F) and (I) of 11365
section 321.24 of the Revised Code, there would be insufficient 11366
funds for payment of debt charges on bonds or notes payable from 11367
taxes reduced by this section, the reduction of taxes provided for 11368
in this section shall be adjusted to the extent necessary to 11369
provide funds from such taxes. 11370

(D) The tax commissioner may adopt rules governing the 11371
administration of the partial exemption provided for by this 11372
section. 11373

(E) The determination of whether property qualifies for 11374
partial exemption under division (A) of this section is solely for 11375
the purpose of allowing the partial exemption under division (B) 11376
of this section. 11377

Sec. 319.54. (A) On all moneys collected by the county 11378
treasurer on any tax duplicate of the county, other than estate 11379
tax duplicates, and on all moneys received as advance payments of 11380
personal property and classified property taxes, the county 11381
auditor, on settlement with the treasurer and tax commissioner, on 11382
or before the date prescribed by law for such settlement or any 11383
lawful extension of such date, shall be allowed as compensation 11384
for the county auditor's services the following percentages: 11385

(1) On the first one hundred thousand dollars, two and 11386
one-half per cent; 11387

(2) On the next two million dollars, eight thousand three 11388
hundred eighteen ten-thousandths of one per cent; 11389

(3) On the next two million dollars, six thousand six hundred 11390
fifty-five ten-thousandths of one per cent; 11391

(4) On all further sums, one thousand six hundred sixty-three 11392
ten-thousandths of one per cent. 11393

If any settlement is not made on or before the date 11394
prescribed by law for such settlement or any lawful extension of 11395
such date, the aggregate compensation allowed to the auditor shall 11396
be reduced one per cent for each day such settlement is delayed 11397
after the prescribed date. No penalty shall apply if the auditor 11398
and treasurer grant all requests for advances up to ninety per 11399
cent of the settlement pursuant to section 321.34 of the Revised 11400
Code. The compensation allowed in accordance with this section on 11401
settlements made before the dates prescribed by law, or the 11402
reduced compensation allowed in accordance with this section on 11403
settlements made after the date prescribed by law or any lawful 11404
extension of such date, shall be apportioned ratably by the 11405
auditor and deducted from the shares or portions of the revenue 11406
payable to the state as well as to the county, townships, 11407
municipal corporations, and school districts. 11408

(B) For the purpose of reimbursing county auditors for the 11409
expenses associated with the increased number of applications for 11410
reductions in real property taxes under sections 323.152 and 11411
4503.065 of the Revised Code that result from the amendment of 11412
those sections by Am. Sub. H.B. 119 of the 127th general assembly, 11413
there shall be paid from the state's general revenue fund to the 11414
county treasury, to the credit of the real estate assessment fund 11415
created by section 325.31 of the Revised Code, an amount equal to 11416
one per cent of the total annual amount of property tax relief 11417
reimbursement paid to that county under sections 323.156 and 11418
4503.068 of the Revised Code for the preceding tax year. Payments 11419
made under this division shall be made at the same times and in 11420
the same manner as payments made under section 323.156 of the 11421
Revised Code. 11422

(C) From all moneys collected by the county treasurer on any 11423

tax duplicate of the county, other than estate tax duplicates, and 11424
on all moneys received as advance payments of personal property 11425
and classified property taxes, there shall be paid into the county 11426
treasury to the credit of the real estate assessment fund created 11427
by section 325.31 of the Revised Code, an amount to be determined 11428
by the county auditor, which shall not exceed the percentages 11429
prescribed in divisions (C)(1) and (2) of this section. 11430

(1) For payments made after June 30, 2007, and before 2011, 11431
the following percentages: 11432

(a) On the first five hundred thousand dollars, four per 11433
cent; 11434

(b) On the next five million dollars, two per cent; 11435

(c) On the next five million dollars, one per cent; 11436

(d) On all further sums not exceeding one hundred fifty 11437
million dollars, three-quarters of one per cent; 11438

(e) On amounts exceeding one hundred fifty million dollars, 11439
five hundred eighty-five thousandths of one per cent. 11440

(2) For payments made in or after 2011, the following 11441
percentages: 11442

(a) On the first five hundred thousand dollars, four per 11443
cent; 11444

(b) On the next ten million dollars, two per cent; 11445

(c) On amounts exceeding ten million five hundred thousand 11446
dollars, three-fourths of one per cent. 11447

Such compensation shall be apportioned ratably by the auditor 11448
and deducted from the shares or portions of the revenue payable to 11449
the state as well as to the county, townships, municipal 11450
corporations, and school districts. 11451

(D) Each county auditor shall receive four per cent of the 11452

amount of tax collected and paid into the county treasury, on 11453
property omitted and placed by the county auditor on the tax 11454
duplicate. 11455

(E) On all estate tax moneys collected by the county 11456
treasurer, the county auditor, on settlement annually with the tax 11457
commissioner, shall be allowed, as compensation for the auditor's 11458
services under Chapter 5731. of the Revised Code, ~~the following~~ 11459
~~percentages:~~ 11460

~~(1) Four per cent on the first one hundred thousand dollars;~~ 11461

~~(2) One half of one per cent on all additional sums.~~ 11462

~~Such percentages shall be computed upon two per cent of the 11463
amount collected and reported at each annual settlement that year 11464
in excess of refunds distributed, and shall be for the use of the 11465
general fund of the county. 11466~~

(F) On all cigarette license moneys collected by the county 11467
treasurer, the county auditor, on settlement semiannually with the 11468
treasurer, shall be allowed as compensation for the auditor's 11469
services in the issuing of such licenses one-half of one per cent 11470
of such moneys, to be apportioned ratably and deducted from the 11471
shares of the revenue payable to the county and subdivisions, for 11472
the use of the general fund of the county. 11473

(G) The county auditor shall charge and receive fees as 11474
follows: 11475

(1) For deeds of land sold for taxes to be paid by the 11476
purchaser, five dollars; 11477

(2) For the transfer or entry of land, lot, or part of lot, 11478
or the transfer or entry on or after January 1, 2000, of a used 11479
manufactured home or mobile home as defined in section 5739.0210 11480
of the Revised Code, fifty cents for each transfer or entry, to be 11481
paid by the person requiring it; 11482

(3) For receiving statements of value and administering	11483
section 319.202 of the Revised Code, one dollar, or ten cents for	11484
each one hundred dollars or fraction of one hundred dollars,	11485
whichever is greater, of the value of the real property	11486
transferred or, for sales occurring on or after January 1, 2000,	11487
the value of the used manufactured home or used mobile home, as	11488
defined in section 5739.0210 of the Revised Code, transferred,	11489
except no fee shall be charged when the transfer is made:	11490
(a) To or from the United States, this state, or any	11491
instrumentality, agency, or political subdivision of the United	11492
States or this state;	11493
(b) Solely in order to provide or release security for a debt	11494
or obligation;	11495
(c) To confirm or correct a deed previously executed and	11496
recorded or when a current owner on any record made available to	11497
the general public on the internet or a publicly accessible	11498
database and the general tax list of real and public utility	11499
property and the general duplicate of real and public utility	11500
property is a peace officer, parole officer, prosecuting attorney,	11501
assistant prosecuting attorney, correctional employee, youth	11502
services employee, firefighter, EMT, or investigator of the bureau	11503
of criminal identification and investigation and is changing the	11504
current owner name listed on any record made available to the	11505
general public on the internet or a publicly accessible database	11506
and the general tax list of real and public utility property and	11507
the general duplicate of real and public utility property to the	11508
initials of the current owner as prescribed in division (B)(1) of	11509
section 319.28 of the Revised Code;	11510
(d) To evidence a gift, in trust or otherwise and whether	11511
revocable or irrevocable, between husband and wife, or parent and	11512
child or the spouse of either;	11513

(e) On sale for delinquent taxes or assessments;	11514
(f) Pursuant to court order, to the extent that such transfer is not the result of a sale effected or completed pursuant to such order;	11515 11516 11517
(g) Pursuant to a reorganization of corporations or unincorporated associations or pursuant to the dissolution of a corporation, to the extent that the corporation conveys the property to a stockholder as a distribution in kind of the corporation's assets in exchange for the stockholder's shares in the dissolved corporation;	11518 11519 11520 11521 11522 11523
(h) By a subsidiary corporation to its parent corporation for no consideration, nominal consideration, or in sole consideration of the cancellation or surrender of the subsidiary's stock;	11524 11525 11526
(i) By lease, whether or not it extends to mineral or mineral rights, unless the lease is for a term of years renewable forever;	11527 11528
(j) When the value of the real property or the manufactured or mobile home or the value of the interest that is conveyed does not exceed one hundred dollars;	11529 11530 11531
(k) Of an occupied residential property, including a manufactured or mobile home, being transferred to the builder of a new residence or to the dealer of a new manufactured or mobile home when the former residence is traded as part of the consideration for the new residence or new manufactured or mobile home;	11532 11533 11534 11535 11536 11537
(l) To a grantee other than a dealer in real property or in manufactured or mobile homes, solely for the purpose of, and as a step in, the prompt sale of the real property or manufactured or mobile home to others;	11538 11539 11540 11541
(m) To or from a person when no money or other valuable and tangible consideration readily convertible into money is paid or	11542 11543

to be paid for the real estate or manufactured or mobile home and 11544
the transaction is not a gift; 11545

(n) Pursuant to division (B) of section 317.22 of the Revised 11546
Code, or section 2113.61 of the Revised Code, between spouses or 11547
to a surviving spouse pursuant to section 5302.17 of the Revised 11548
Code as it existed prior to April 4, 1985, between persons 11549
pursuant to section 5302.17 or 5302.18 of the Revised Code on or 11550
after April 4, 1985, to a person who is a surviving, survivorship 11551
tenant pursuant to section 5302.17 of the Revised Code on or after 11552
April 4, 1985, or pursuant to section 5309.45 of the Revised Code; 11553

(o) To a trustee acting on behalf of minor children of the 11554
deceased; 11555

(p) Of an easement or right-of-way when the value of the 11556
interest conveyed does not exceed one thousand dollars; 11557

(q) Of property sold to a surviving spouse pursuant to 11558
section 2106.16 of the Revised Code; 11559

(r) To or from an organization exempt from federal income 11560
taxation under section 501(c)(3) of the "Internal Revenue Code of 11561
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, provided such 11562
transfer is without consideration and is in furtherance of the 11563
charitable or public purposes of such organization; 11564

(s) Among the heirs at law or devisees, including a surviving 11565
spouse, of a common decedent, when no consideration in money is 11566
paid or to be paid for the real property or manufactured or mobile 11567
home; 11568

(t) To a trustee of a trust, when the grantor of the trust 11569
has reserved an unlimited power to revoke the trust; 11570

(u) To the grantor of a trust by a trustee of the trust, when 11571
the transfer is made to the grantor pursuant to the exercise of 11572
the grantor's power to revoke the trust or to withdraw trust 11573

assets; 11574

(v) To the beneficiaries of a trust if the fee was paid on 11575
the transfer from the grantor of the trust to the trustee or if 11576
the transfer is made pursuant to trust provisions which became 11577
irrevocable at the death of the grantor; 11578

(w) To a corporation for incorporation into a sports facility 11579
constructed pursuant to section 307.696 of the Revised Code; 11580

(x) Between persons pursuant to section 5302.18 of the 11581
Revised Code; 11582

(y) From a county land reutilization corporation organized 11583
under Chapter 1724. of the Revised Code, or its wholly owned 11584
subsidiary, to a third party. 11585

(4) For the cost of publishing the delinquent manufactured 11586
home tax list, the delinquent tax list, and the delinquent vacant 11587
land tax list, a flat fee, as determined by the county auditor, to 11588
be charged to the owner of a home on the delinquent manufactured 11589
home tax list or the property owner of land on the delinquent tax 11590
list or the delinquent vacant land tax list. 11591

The auditor shall compute and collect the fee. The auditor 11592
shall maintain a numbered receipt system, as prescribed by the tax 11593
commissioner, and use such receipt system to provide a receipt to 11594
each person paying a fee. The auditor shall deposit the receipts 11595
of the fees on conveyances in the county treasury daily to the 11596
credit of the general fund of the county, except that fees charged 11597
and received under division (G)(3) of this section for a transfer 11598
of real property to a county land reutilization corporation shall 11599
be credited to the county land reutilization corporation fund 11600
established under section 321.263 of the Revised Code. 11601

The real property transfer fee provided for in division 11602
(G)(3) of this section shall be applicable to any conveyance of 11603
real property presented to the auditor on or after January 1, 11604

1968, regardless of its time of execution or delivery. 11605

The transfer fee for a used manufactured home or used mobile 11606
home shall be computed by and paid to the county auditor of the 11607
county in which the home is located immediately prior to the 11608
transfer. 11609

Sec. 321.27. (A) On settlement annually with the county 11610
auditor, the county treasurer shall be allowed as fees on all 11611
moneys collected by the treasurer on estate tax duplicates ~~the~~ 11612
~~following percentages: three per cent on the first one hundred~~ 11613
~~thousand dollars; two per cent on the next one hundred thousand~~ 11614
~~dollars; five tenths per cent on all additional sums. Such~~ 11615
~~percentages shall be computed upon~~ of the amount collected and 11616
reported at each annual settlement that year in excess of refunds 11617
distributed, ~~and shall be~~ for the use of the general fund of the 11618
county. 11619

(B) On settlement semiannually with the county auditor, the 11620
county treasurer shall be allowed as fees on all cigarette license 11621
moneys collected by the treasurer one-half per cent on the amount 11622
received, to be paid upon the warrant of the auditor and 11623
apportioned ratably and deducted from the shares of revenue 11624
payable to the county and subdivisions of the county under section 11625
5743.15 of the Revised Code, for the use of the general fund of 11626
the county. 11627

Sec. 323.153. (A) To obtain a reduction in real property 11628
taxes under division (A) or (B) of section 323.152 of the Revised 11629
Code or in manufactured home taxes under division (B) of section 11630
323.152 of the Revised Code, the owner shall file an application 11631
with the county auditor of the county in which the owner's 11632
homestead is located. 11633

To obtain a reduction in real property taxes under division 11634

(A) of section 323.152 of the Revised Code, the occupant of a 11635
homestead in a housing cooperative shall file an application with 11636
the nonprofit corporation that owns and operates the housing 11637
cooperative, in accordance with this paragraph. Not later than the 11638
first day of March each year, the corporation shall obtain 11639
applications from the county auditor's office and provide one to 11640
each new occupant. Not later than the first day of May, any 11641
occupant who may be eligible for a reduction in taxes under 11642
division (A) of section 323.152 of the Revised Code shall submit 11643
the completed application to the corporation. Not later than the 11644
fifteenth day of May, the corporation shall file all completed 11645
applications, and the information required by division (B) of 11646
section 323.159 of the Revised Code, with the county auditor of 11647
the county in which the occupants' homesteads are located. 11648
Continuing applications shall be furnished to an occupant in the 11649
manner provided in division (C)(4) of this section. 11650

(1) An application for reduction based upon a physical 11651
disability shall be accompanied by a certificate signed by a 11652
physician, and an application for reduction based upon a mental 11653
disability shall be accompanied by a certificate signed by a 11654
physician or psychologist licensed to practice in this state, 11655
attesting to the fact that the applicant is permanently and 11656
totally disabled. The certificate shall be in a form that the tax 11657
commissioner requires and shall include the definition of 11658
permanently and totally disabled as set forth in section 323.151 11659
of the Revised Code. An application for reduction based upon a 11660
disability certified as permanent and total by a state or federal 11661
agency having the function of so classifying persons shall be 11662
accompanied by a certificate from that agency. 11663

An application by a disabled veteran for the reduction under 11664
division (A)(2) of section 323.152 of the Revised Code shall be 11665
accompanied by a letter or other written confirmation from the 11666

United States department of veterans affairs, or its predecessor 11667
or successor agency, showing that the veteran qualifies as a 11668
disabled veteran. 11669

An application by the surviving spouse of a public service 11670
officer killed in the line of duty for the reduction under 11671
division (A)(3) of section 323.152 of the Revised Code shall be 11672
accompanied by a letter or other written confirmation from an 11673
employee or officer of the board of trustees of a retirement or 11674
pension fund in this state or another state or from the chief or 11675
other chief executive of the department, agency, or other employer 11676
for which the public service officer served when killed in the 11677
line of duty affirming that the public service officer was killed 11678
in the line of duty. 11679

An application for a reduction under division (A) of section 11680
323.152 of the Revised Code constitutes a continuing application 11681
for a reduction in taxes for each year in which the dwelling is 11682
the applicant's homestead. 11683

(2) An application for a reduction in taxes under division 11684
(B) of section 323.152 of the Revised Code shall be filed only if 11685
the homestead or manufactured or mobile home was transferred in 11686
the preceding year or did not qualify for and receive the 11687
reduction in taxes under that division for the preceding tax year. 11688
The application for homesteads transferred in the preceding year 11689
shall be incorporated into any form used by the county auditor to 11690
administer the tax law in respect to the conveyance of real 11691
property pursuant to section 319.20 of the Revised Code or of used 11692
manufactured homes or used mobile homes as defined in section 11693
5739.0210 of the Revised Code. The owner of a manufactured or 11694
mobile home who has elected under division (D)(4) of section 11695
4503.06 of the Revised Code to be taxed under division (D)(2) of 11696
that section for the ensuing year may file the application at the 11697
time of making that election. The application shall contain a 11698

statement that failure by the applicant to affirm on the 11699
application that the dwelling on the property conveyed is the 11700
applicant's homestead prohibits the owner from receiving the 11701
reduction in taxes until a proper application is filed within the 11702
period prescribed by division (A)(3) of this section. Such an 11703
application constitutes a continuing application for a reduction 11704
in taxes for each year in which the dwelling is the applicant's 11705
homestead. 11706

(3) Failure to receive a new application filed under division 11707
(A)(1) or (2) or notification under division (C) of this section 11708
after an application for reduction has been approved is 11709
prima-facie evidence that the original applicant is entitled to 11710
the reduction in taxes calculated on the basis of the information 11711
contained in the original application. The original application 11712
and any subsequent application, including any late application, 11713
shall be in the form of a signed statement and shall be filed on 11714
or before the thirty-first day of December of the year for which 11715
the reduction is sought. The original application and any 11716
subsequent application for a reduction in manufactured home taxes 11717
shall be filed in the year preceding the year for which the 11718
reduction is sought. The statement shall be on a form, devised and 11719
supplied by the tax commissioner, which shall require no more 11720
information than is necessary to establish the applicant's 11721
eligibility for the reduction in taxes and the amount of the 11722
reduction, and, except for homesteads that are units in a housing 11723
cooperative, shall include an affirmation by the applicant that 11724
ownership of the homestead was not acquired from a person, other 11725
than the applicant's spouse, related to the owner by consanguinity 11726
or affinity for the purpose of qualifying for the real property or 11727
manufactured home tax reduction provided for in division (A) or 11728
(B) of section 323.152 of the Revised Code. The form shall contain 11729
a statement that conviction of willfully falsifying information to 11730
obtain a reduction in taxes or failing to comply with division (C) 11731

of this section results in the revocation of the right to the 11732
reduction for a period of three years. In the case of an 11733
application for a reduction in taxes for persons described in 11734
division (A)(1)(b)(iii) of section 323.152 of the Revised Code, 11735
the form shall contain a statement that signing the application 11736
constitutes a delegation of authority by the applicant to the tax 11737
commissioner or the county auditor, individually or in 11738
consultation with each other, to examine any tax or financial 11739
records relating to the income of the applicant as stated on the 11740
application for the purpose of determining eligibility for the 11741
exemption or a possible violation of division (D) or (E) of this 11742
section. 11743

(B) A late application for a tax reduction for the year 11744
preceding the year in which an original application is filed, or 11745
for a reduction in manufactured home taxes for the year in which 11746
an original application is filed, may be filed with the original 11747
application. If the county auditor determines the information 11748
contained in the late application is correct, the auditor shall 11749
determine the amount of the reduction in taxes to which the 11750
applicant would have been entitled for the preceding tax year had 11751
the applicant's application been timely filed and approved in that 11752
year. 11753

The amount of such reduction shall be treated by the auditor 11754
as an overpayment of taxes by the applicant and shall be refunded 11755
in the manner prescribed in section 5715.22 of the Revised Code 11756
for making refunds of overpayments. The county auditor shall 11757
certify the total amount of the reductions in taxes made in the 11758
current year under this division to the tax commissioner, who 11759
shall treat the full amount thereof as a reduction in taxes for 11760
the preceding tax year and shall make reimbursement to the county 11761
therefor in the manner prescribed by section 323.156 of the 11762
Revised Code, from money appropriated for that purpose. 11763

(C)(1) If, in any year after an application has been filed 11764
under division (A)(1) or (2) of this section, the owner does not 11765
qualify for a reduction in taxes on the homestead or on the 11766
manufactured or mobile home set forth on such application, the 11767
owner shall notify the county auditor that the owner is not 11768
qualified for a reduction in taxes. 11769

(2) If, in any year after an application has been filed under 11770
division (A)(1) of this section, the occupant of a homestead in a 11771
housing cooperative does not qualify for a reduction in taxes on 11772
the homestead, the occupant shall notify the county auditor that 11773
the occupant is not qualified for a reduction in taxes or file a 11774
new application under division (A)(1) of this section. 11775

(3) If the county auditor or county treasurer discovers that 11776
~~the~~ an owner of property or occupant of a homestead in a housing 11777
cooperative not entitled to the reduction in taxes under division 11778
(A) or (B) of section 323.152 of the Revised Code failed to notify 11779
the county auditor as required by division (C)(1) or (2) of this 11780
section, a charge shall be imposed against the property in the 11781
amount by which taxes were reduced under that division for each 11782
tax year the county auditor ascertains that the property was not 11783
entitled to the reduction and was owned by the current owner or, 11784
in the case of a homestead in a housing cooperative, occupied by 11785
the current occupant. Interest shall accrue in the manner 11786
prescribed by division (B) of section 323.121 or division (G)(2) 11787
of section 4503.06 of the Revised Code on the amount by which 11788
taxes were reduced for each such tax year as if the reduction 11789
became delinquent taxes at the close of the last day the second 11790
installment of taxes for that tax year could be paid without 11791
penalty. The county auditor shall notify the owner or occupant, by 11792
ordinary mail, of the charge, of the owner's or occupant's right 11793
to appeal the charge, and of the manner in which the owner or 11794
occupant may appeal. The owner or occupant may appeal the 11795

imposition of the charge and interest by filing an appeal with the 11796
county board of revision not later than the last day prescribed 11797
for payment of real and public utility property taxes under 11798
section 323.12 of the Revised Code following receipt of the notice 11799
and occurring at least ninety days after receipt of the notice. 11800
The appeal shall be treated in the same manner as a complaint 11801
relating to the valuation or assessment of real property under 11802
Chapter 5715. of the Revised Code. The charge and any interest 11803
shall be collected as other delinquent taxes. 11804

(4) Each year during January, the county auditor shall 11805
furnish by ordinary mail a continuing application to each person 11806
receiving a reduction under division (A) of section 323.152 of the 11807
Revised Code. The continuing application shall be used to report 11808
changes in total income, ownership, occupancy, disability, and 11809
other information earlier furnished the auditor relative to the 11810
reduction in taxes on the property. The continuing application 11811
shall be returned to the auditor not later than the thirty-first 11812
day of December; provided, that if such changes do not affect the 11813
status of the homestead exemption or the amount of the reduction 11814
to which the owner is entitled under division (A) of section 11815
323.152 of the Revised Code or to which the occupant is entitled 11816
under section 323.159 of the Revised Code, the application does 11817
not need to be returned. 11818

(5) Each year during February, the county auditor, except as 11819
otherwise provided in this paragraph, shall furnish by ordinary 11820
mail an original application to the owner, as of the first day of 11821
January of that year, of a homestead or a manufactured or mobile 11822
home that transferred during the preceding calendar year and that 11823
qualified for and received a reduction in taxes under division (B) 11824
of section 323.152 of the Revised Code for the preceding tax year. 11825
In order to receive the reduction under that division, the owner 11826
shall file the application with the county auditor not later than 11827

the thirty-first day of December. If the application is not timely 11828
filed, the auditor shall not grant a reduction in taxes for the 11829
homestead for the current year, and shall notify the owner that 11830
the reduction in taxes has not been granted, in the same manner 11831
prescribed under section 323.154 of the Revised Code for 11832
notification of denial of an application. Failure of an owner to 11833
receive an application does not excuse the failure of the owner to 11834
file an original application. The county auditor is not required 11835
to furnish an application under this paragraph for any homestead 11836
for which application has previously been made on a form 11837
incorporated into any form used by the county auditor to 11838
administer the tax law in respect to the conveyance of real 11839
property or of used manufactured homes or used mobile homes, and 11840
an owner who previously has applied on such a form is not required 11841
to return an application furnished under this paragraph. 11842

(D) No person shall knowingly make a false statement for the 11843
purpose of obtaining a reduction in the person's real property or 11844
manufactured home taxes under section 323.152 of the Revised Code. 11845

(E) No person shall knowingly fail to notify the county 11846
auditor of changes required by division (C) of this section that 11847
have the effect of maintaining or securing a reduction in taxes 11848
under section 323.152 of the Revised Code. 11849

(F) No person shall knowingly make a false statement or 11850
certification attesting to any person's physical or mental 11851
condition for purposes of qualifying such person for tax relief 11852
pursuant to sections 323.151 to 323.159 of the Revised Code. 11853

Sec. 323.155. The tax bill prescribed under section 323.131 11854
of the Revised Code shall indicate the net amount of taxes due 11855
following the reductions in taxes under sections 319.301, 319.302, 11856
323.152, ~~and~~ 323.16, 323.161 of the Revised Code. 11857

Any reduction in taxes under section 323.152 of the Revised 11858

Code shall be disregarded as income or resources in determining 11859
eligibility for any program or calculating any payment under Title 11860
LI of the Revised Code. 11861

Sec. 323.161. (A) As used in this section: 11862

(1) "Eligible county" means a county having a population of 11863
between four hundred thousand and four hundred fifty thousand. 11864

(2) "Eligible farmer" means the owner of an urban farm that 11865
materially and substantially participates in the operation of the 11866
farm and that meets either of the following criteria: 11867

(a) The owner meets the definition of a "socially 11868
disadvantaged farmer or rancher," "limited resource farmer or 11869
rancher," or "beginning farmer or rancher" as defined in 7 C.F.R. 11870
760.107; 11871

(b) The owner has received a direct farm ownership microloan 11872
or a direct farm operating microloan through the United States 11873
department of agriculture microloan program pursuant to 7 U.S.C. 11874
Chapter 50. 11875

For the purpose of this section, an owner "materially and 11876
substantially participates" in the operation of an urban farm if 11877
the owner provides substantial day-to-day labor and management of 11878
the farm. 11879

(3) "Urban farm" means property that is not valued for real 11880
property tax purposes under sections 5713.30 to 5713.38 of the 11881
Revised Code or receiving the tax benefit under section 5713.23 of 11882
the Revised Code and is used for processing, growing, raising, or 11883
otherwise producing agricultural products. 11884

(4) "Agricultural product" means an agricultural, 11885
horticultural, viticultural, aquacultural, silvicultural, or 11886
vegetable product, either in its natural or processed state, that 11887
has been produced, processed, or otherwise had value added to it 11888

in this state. "Agricultural product" includes grapes that will be 11889
processed into wine, bees, honey, fish or other aquacultural 11890
products, planting seed, livestock or livestock products, forestry 11891
products, and poultry or poultry products. 11892

(B) The board of commissioners of an eligible county may, by 11893
resolution, establish within the territory of a municipal 11894
corporation an urban agricultural area and authorize eligible 11895
farmers that own an urban farm located within the area to apply 11896
for a tax exemption for that property pursuant to this section. 11897
The resolution shall specify all of the following: 11898

(1) The boundaries of the urban agricultural area. All 11899
property within the area shall be contiguous and shall be located 11900
within both the county and a municipal corporation. 11901

(2) The procedure by which an eligible farmer may apply to 11902
the county for a tax exemption; 11903

(3) The designation of a county officer who will receive and 11904
review exemption applications from eligible farmers; 11905

(4) Any additional eligibility requirements for the program. 11906

Upon adopting a resolution under this division, the governing 11907
body shall cause a copy of the resolution to be certified to the 11908
county auditor, county treasurer, and tax commissioner. 11909

(C) If a board of commissioners establishes an urban 11910
agricultural area, eligible farmers that own an urban farm located 11911
within the area may apply for a tax exemption for that property, 11912
as authorized under this section. The county officer designated to 11913
review such applications shall approve the application if the 11914
applicant is an eligible farmer of an urban farm located within 11915
the area and if the applicant meets any other eligibility 11916
requirements set forth in the resolution adopted under division 11917
(B) of this section. 11918

The exemption shall apply only to taxes charged by the 11919
county, and not to taxes charged by any other taxing authority 11920
encompassing the area. The exemption may equal any percentage of 11921
such county taxes up to one hundred per cent, at the discretion of 11922
the county officer that approves the application. The exemption 11923
shall be approved for an initial term of not more than five years, 11924
and may be renewed for additional terms of not more than three 11925
years upon the filing of another application with the applicable 11926
county officer under this section. 11927

(D) If the application of an eligible farmer is approved 11928
under division (C) of this section, the county officer that 11929
approved the application shall certify the decision to the tax 11930
commissioner and, if that officer is not the county auditor, to 11931
the county auditor. In each year that property qualifies for an 11932
exemption, the county auditor shall determine the amount of taxes 11933
charged against the property by the county to be subtracted from 11934
the total amount of taxes charged against the property and shall 11935
enter the remaining taxes to be charged on the tax list. 11936

Sec. 329.12. (A) A county department of job and family 11937
services may establish an individual development account program 11938
for residents of the county. The program shall provide for 11939
establishment of accounts for participants and acceptance of 11940
contributions from individuals and entities, including the county 11941
department, to be used as matching funds for deposit in the 11942
accounts. 11943

(B) A county department shall select a fiduciary organization 11944
to administer its individual development account program. In 11945
selecting a fiduciary organization, the department shall consider 11946
all of the following regarding the organization: 11947

(1) Its ability to market the program to potential 11948
participants and matching fund contributors; 11949

(2) Its ability to invest money in the accounts in a way that provides for return with minimal risk of loss;	11950 11951
(3) Its overall administrative capacity, including the ability to verify eligibility of individuals for participation in the program, prevent unauthorized use of matching contributions, and enforce any penalties for unauthorized uses that may be provided for by rule adopted by the director of job and family services under section 5101.971 of the Revised Code;	11952 11953 11954 11955 11956 11957
(4) Its ability to provide financial counseling to participants;	11958 11959
(5) Its affiliation with other activities designed to increase the independence of individuals and families through postsecondary education, home ownership, and business development;	11960 11961 11962
(6) Any other factor the county department considers appropriate.	11963 11964
(C) At the time it commences the program and on the first day of each subsequent program year, the county department may make a grant to the fiduciary organization to pay all or part of the administrative costs of the program.	11965 11966 11967 11968
(D) The county department shall require the fiduciary organization to collect and maintain information regarding the program, including all of the following:	11969 11970 11971
(1) The number of accounts established;	11972
(2) The amount deposited by each participant and the amount matched by contributions;	11973 11974
(3) The uses of funds withdrawn from the account, including the number of participants who used funds for postsecondary educational expenses and the institutions attended, the number of personal residences purchased, and the number of participants who used funds for business capitalization;	11975 11976 11977 11978 11979

(4) The demographics of program participants; 11980

(5) The number of participants who withdrew from the program 11981
and the reasons for withdrawal. 11982

~~(E) The county department shall prepare and file with the 11983
department of job and family services a semiannual report 11984
containing the information the director of job and family services 11985
requires by rule adopted under section 5101.971 of the Revised 11986
Code, with the first report being filed at the end of the 11987
six-month period following October 1, 1997. 11988~~

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 11989
health service district, there shall be appointed a board of 11990
alcohol, drug addiction, and mental health services ~~consisting of 11991
eighteen members or fourteen members. Should the 11992~~

Beginning on the effective date of this amendment, all newly 11993
established boards shall consist of not fewer than five and not 11994
more than nine members, to be determined by the board of county 11995
commissioners. The board of county commissioners shall adopt a 11996
resolution specifying the size that will apply to all newly 11997
established boards and shall notify the department of mental 11998
health and addiction services of its determination. 11999

Should the board of county commissioners of the county 12000
represented by a board of alcohol, drug addiction, and mental 12001
health services that existed immediately prior to the effective 12002
date of this amendment elect for the board of alcohol, drug 12003
addiction, and mental health services to remain at eighteen or 12004
fourteen members, as provided under section 340.02 of the Revised 12005
Code as it existed immediately prior to the date of this amendment 12006
a membership of that size was previously authorized under this 12007
section, the board of alcohol, drug addiction, and mental health 12008
services and the board of county commissioners shall is not be 12009
required to take any action. Should the board of alcohol, drug 12010

~~addiction, and mental health services county commissioners elect a~~ 12011
~~recommendation for the board of alcohol, drug addiction, and~~ 12012
~~mental health services to become a fourteen-member five- to~~ 12013
~~nine-member board, that recommendation must be approved by the~~ 12014
~~board of county commissioners of the county in which the alcohol,~~ 12015
~~drug addiction, and mental health district is located in order for~~ 12016
~~the transition to a fourteen-member five- to nine-member board to~~ 12017
~~occur. Not later than September 30, 2013, each board of alcohol,~~ 12018
~~drug addiction, and mental health services wishing to become a~~ 12019
~~fourteen-member board shall notify the board of county~~ 12020
~~commissioners of that recommendation. Failure of the board of~~ 12021
~~county commissioners to take action within thirty days after~~ 12022
~~receipt of the recommendation shall be deemed agreement by the~~ 12023
~~board of county commissioners to transition to a fourteen-member~~ 12024
~~board of alcohol, drug addiction, and mental health services.~~ 12025
~~Should the board of county commissioners reject the~~ 12026
~~recommendation, the board of county commissioners shall adopt a~~ 12027
~~resolution stating that rejection within thirty days after receipt~~ 12028
~~of the recommendation. Upon adoption of the resolution, the board~~ 12029
~~of county commissioners shall meet with the board of alcohol, drug~~ 12030
~~addiction, and mental health services to discuss the matter. After~~ 12031
~~the meeting, the, the board of county commissioners shall notify~~ 12032
~~the department of mental health and addiction services of its~~ 12033
~~election not later than January 1, 2014 three years after the~~ 12034
~~effective date of this amendment. In a joint-county district, a~~ 12035
~~majority all~~ of the boards of county commissioners must not reject 12036
~~the recommendation of a joint-county board to become a~~ 12037
~~fourteen-member five- to nine-member board in order for the~~ 12038
~~transition to a fourteen-member five- to nine-member board to~~ 12039
~~occur. Should the joint county district have an even number of~~ 12040
~~counties, and the boards of county commissioners of these counties~~ 12041
~~tie in terms of whether or not to accept the recommendation of the~~ 12042
~~alcohol, drug addiction, and mental health services board, the~~ 12043

~~recommendation of the alcohol, drug addiction, and mental health
service board to become a fourteen member board shall prevail. The
election shall be final. Failure to provide notice of its election
to the department on or before January 1, 2014, three years after
the effective date of this amendment shall constitute an election
by the board of county commissioners for the board of alcohol,
drug addiction, and mental health services to continue to operate
as an eighteen-member or fourteen-member board, which election
shall also be final. If ~~an existing~~ a board of county
commissioners provides timely notice of its election for the board
of alcohol, drug addiction, and mental health services to
transition to operate as a ~~fourteen member~~ five-to nine-member
board, the number of board members may decline ~~from eighteen to~~
~~fourteen~~ accordingly by attrition as ~~current~~ members' terms
expire. However, the composition of the board must reflect the
requirements set forth in this section ~~for fourteen member boards.~~
~~For~~~~

For all boards, half of the members shall be interested in
mental health services and half of the members shall be interested
in alcohol, drug, or gambling addiction services. All members
shall be residents of the service district. The membership shall,
as nearly as possible, reflect the composition of the population
of the service district as to race and sex.

(B) ~~For boards operating as eighteen member boards, the~~ The
director of mental health and addiction services shall appoint
~~eight~~ twenty per cent of the members of the board and the board of
county commissioners shall appoint ~~ten~~ eighty per cent of the
members. ~~For boards operating as fourteen member boards, the~~
~~director of mental health and addiction services shall appoint six~~
~~members of the board and the board of county commissioners shall~~
~~appoint eight members.~~ In a joint-county district, the board of
county commissioners of each participating county shall appoint

members in as nearly as possible the same proportion as that 12076
county's population bears to the total population of the district, 12077
except that at least one member shall be appointed from each 12078
participating county. 12079

(C) The director of mental health and addiction services 12080
shall ensure that at least one member of the board is a clinician 12081
with experience in the delivery of mental health services, at 12082
least one member of the board is a person who has received or is 12083
receiving mental health services, at least one member of the board 12084
is a parent or other relative of such a person, at least one 12085
member of the board is a clinician with experience in the delivery 12086
of addiction services, at least one member of the board is a 12087
person who has received or is receiving addiction services, and at 12088
least one member of the board is a parent or other relative of 12089
such a person. A single member who meets both qualifications may 12090
fulfill the requirement for a clinician with experience in the 12091
delivery of mental health services and a clinician with experience 12092
in the delivery of addiction services. 12093

(D) No member or employee of a board of alcohol, drug 12094
addiction, and mental health services shall serve as a member of 12095
the board of any provider with which the board of alcohol, drug 12096
addiction, and mental health services has entered into a contract 12097
for the provision of services or facilities. No member of a board 12098
of alcohol, drug addiction, and mental health services shall be an 12099
employee of any provider with which the board has entered into a 12100
contract for the provision of services or facilities. No person 12101
shall be an employee of a board and such a provider unless the 12102
board and provider both agree in writing. 12103

(E) No person shall serve as a member of the board of 12104
alcohol, drug addiction, and mental health services whose spouse, 12105
child, parent, brother, sister, grandchild, stepparent, stepchild, 12106
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 12107

daughter-in-law, brother-in-law, or sister-in-law serves as a 12108
member of the board of any provider with which the board of 12109
alcohol, drug addiction, and mental health services has entered 12110
into a contract for the provision of services or facilities. No 12111
person shall serve as a member or employee of the board whose 12112
spouse, child, parent, brother, sister, stepparent, stepchild, 12113
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 12114
daughter-in-law, brother-in-law, or sister-in-law serves as a 12115
county commissioner of a county or counties in the alcohol, drug 12116
addiction, and mental health service district. 12117

(F) Each year each board member shall attend at least one 12118
inservice training session provided or approved by the department 12119
of mental health and addiction services. 12120

(G) For ~~boards operating as eighteen member~~ all boards, each 12121
member shall be appointed for a term of four years, commencing the 12122
first day of July, except that one-third of initial appointments 12123
to a newly established board, ~~and to the extent possible to~~ 12124
~~expanded boards,~~ shall be for terms of two years, one-third of 12125
initial appointments shall be for terms of three years, and 12126
one-third of initial appointments shall be for terms of four 12127
years. ~~For boards operating as fourteen member boards, each member~~ 12128
~~shall be appointed for a term of four years, commencing the first~~ 12129
~~day of July, except that four of the initial appointments to a~~ 12130
~~newly established board, and to the extent possible to expanded~~ 12131
~~boards, shall be for terms of two years, five initial appointments~~ 12132
~~shall be for terms of three years, and five initial appointments~~ 12133
~~shall be for terms of four years.~~ No member shall serve more than 12134
two consecutive four-year terms under the same appointing 12135
authority. A member may serve for three consecutive terms under 12136
the same appointing authority only if one of the terms is for less 12137
than two years. A member who has served two consecutive four-year 12138
terms or three consecutive terms totaling less than ten years is 12139

eligible for reappointment by the same appointing authority one 12140
year following the end of the second or third term, respectively. 12141

When a vacancy occurs, appointment for the expired or 12142
unexpired term shall be made in the same manner as an original 12143
appointment. The board shall notify the appointing authority 12144
either by certified mail or, if the board has record of an 12145
internet identifier of record associated with the authority, by 12146
ordinary mail and by that internet identifier of record of any 12147
vacancy and shall fill the vacancy within sixty days following 12148
that notice. 12149

Any member of the board may be removed from office by the 12150
appointing authority for neglect of duty, misconduct, or 12151
malfeasance in office, and shall be removed by the appointing 12152
authority if the member is barred by this section from serving as 12153
a board member. The member shall be informed in writing of the 12154
charges and afforded an opportunity for a hearing. Upon the 12155
absence of a member within one year from either four board 12156
meetings or from two board meetings without prior notice, the 12157
board shall notify the appointing authority, which may vacate the 12158
appointment and appoint another person to complete the member's 12159
term. 12160

Members of the board shall serve without compensation, but 12161
shall be reimbursed for actual and necessary expenses incurred in 12162
the performance of their official duties, as defined by rules of 12163
the department of mental health and addiction services. 12164

(H) As used in this section, "internet identifier of record" 12165
has the same meaning as in section 9.312 of the Revised Code. 12166

Sec. 340.021. (A) In ~~an~~ a single-county alcohol, drug 12167
addiction, and mental health service district where the board of 12168
county commissioners has established an alcohol and drug addiction 12169
services board, the community mental health board established 12170

under ~~former~~ section 340.02 of the Revised Code, as it existed 12171
immediately prior to October 10, 1989, shall serve as the entity 12172
responsible for providing mental health services in the county 12173
unless subsequently a board of alcohol, drug addiction, and mental 12174
health services has been created under division (B) of this 12175
section. A 12176

A community mental health board has all the powers, duties, 12177
and obligations of a board of alcohol, drug addiction, and mental 12178
health services with regard to mental health services. An alcohol 12179
and drug addiction services board has all the powers, duties, and 12180
obligations of a board of alcohol, drug addiction, and mental 12181
health services with regard to addiction services. Any provision 12182
of the Revised Code that refers to a board of alcohol, drug 12183
addiction, and mental health services with regard to mental health 12184
services also refers to a community mental health board and any 12185
provision that refers to a board of alcohol, drug addiction, and 12186
mental health services with regard to alcohol and drug addiction 12187
services also refers to an alcohol and drug addiction services 12188
board. 12189

~~An~~ The board of county commissioners of the county 12190
represented by an alcohol and drug addiction services board ~~shall~~ 12191
~~consist~~ that consists of either eighteen members or fourteen 12192
members, ~~at the election of the board~~ as a membership of that size 12193
was previously authorized under this section, may elect for the 12194
alcohol and drug addiction services board to remain at eighteen or 12195
fourteen members or may elect a recommendation for the alcohol and 12196
drug addiction services board to become a five- to nine-member 12197
board. ~~Not later than January 1, 2014, each alcohol and drug~~ 12198
~~addiction services board shall notify the department of mental~~ 12199
~~health and addiction services of its election to operate as an~~ 12200
~~eighteen member board or to operate as a fourteen member board.~~ 12201
Should a board of county commissioners elect a recommendation for 12202

the alcohol and drug addiction services board to become a five- to 12203
nine-member board, the board of county commissioners shall notify 12204
the department of mental health and addiction services of its 12205
election not later than three years after the effective date of 12206
this amendment. The election shall be final. Failure to provide 12207
notice of its election to the department on or before ~~January 1,~~ 12208
~~2014,~~ three years after the effective date of this amendment shall 12209
constitute an election for the alcohol and drug addiction services 12210
board to continue to operate as an eighteen-member or 12211
fourteen-member board. If ~~an existing~~ a board of county 12212
commissioners provides timely notice of its election for an 12213
alcohol and drug addiction services board to operate as a 12214
~~fourteen-member~~ five- to nine-member board, the number of board 12215
members may decline ~~from eighteen to fourteen~~ accordingly by 12216
attrition as current members' terms expire. However, the 12217
composition of the board must reflect the requirements set forth 12218
in this section and in applicable provisions of section 340.02 of 12219
the Revised Code for ~~fourteen-member~~ five- to nine-member boards. 12220
~~For boards operating as eighteen member boards, six~~ Twenty per 12221
cent of the members shall be appointed by the director of mental 12222
health and addiction services and ~~twelve~~ eighty per cent of the 12223
members shall be appointed by the board of county commissioners. 12224
The director of mental health and addiction services shall ensure 12225
that at least one member of the board is a person who has received 12226
or is receiving services for alcohol, drug, or gambling addiction, 12227
at least one member is a parent or relative of such a person, and 12228
at least one member is a clinician with experience in the delivery 12229
of addiction services. The membership of the board shall, as 12230
nearly as possible, reflect the composition of the population of 12231
the service district as to race and sex. Members shall be 12232
residents of the service district and shall be interested in 12233
alcohol, drug, or gambling addiction services. Requirements for 12234
membership, including prohibitions against certain family and 12235

business relationships, and terms of office shall be the same as 12236
those for members of boards of alcohol, drug addiction, and mental 12237
health services. 12238

A The board of county commissioners of the county represented 12239
by a community mental health board shall consist that consists of 12240
either eighteen members or fourteen members, at the election of 12241
the board as a membership of that size was previously authorized 12242
under this section, may elect for the community mental health 12243
board to remain at eighteen or fourteen members or may elect a 12244
recommendation for the community mental health board to become a 12245
five- to nine-member board. Not later than January 1, 2014, each 12246
community mental health board shall notify the department of 12247
mental health and addiction services of its election to operate as 12248
an eighteen member board or to operate as a fourteen member board. 12249
Should a board of county commissioners elect a recommendation for 12250
a community mental health board to become a five- to nine-member 12251
board, the board of county commissioners shall notify the 12252
department of mental health and addiction services of its election 12253
not later than three years after the effective date of this 12254
amendment. The election shall be final. Failure to provide notice 12255
of its election to the department on or before January 1, 2014, 12256
three years after the effective date of this amendment shall 12257
constitute an election for the community mental health board to 12258
continue to operate as an eighteen-member or fourteen-member 12259
board. If an existing a board of county commissioners provides 12260
timely notice of its election for the community mental health 12261
board to operate as a fourteen-member five- to nine-member board, 12262
the number of board members may decline from eighteen to fourteen 12263
accordingly by attrition as current members' terms expire. 12264
However, the composition of the board must reflect the 12265
requirements set forth in this section and in applicable 12266
provisions of section 340.02 of the Revised Code for 12267
fourteen member five- to nine-member boards. For boards operating 12268

~~as eighteen member boards, six~~ Twenty per cent of the members 12269
shall be appointed by the director of mental health and addiction 12270
services and ~~twelve~~ eighty per cent of the members shall be 12271
appointed by the board of county commissioners. The director of 12272
mental health and addiction services shall ensure that at least 12273
one member of the board is a person who has received or is 12274
receiving mental health services, at least one member is a parent 12275
or relative of such a person, and at least one member is a 12276
clinician with experience in the delivery of mental health 12277
services. The membership of the board as nearly as possible shall 12278
reflect the composition of the population of the service district 12279
as to race and sex. Members shall be residents of the service 12280
district and shall be interested in mental health services. 12281
Requirements for membership, including prohibitions against 12282
certain family and business relationships, and terms of office 12283
shall be the same as those for members of boards of alcohol, drug 12284
addiction, and mental health services. 12285

(B)(1) If a board of county commissioners ~~subject to division~~ 12286
~~(A) of this section~~ did not adopt a final resolution providing for 12287
a board of alcohol, drug addiction, and mental health services on 12288
or before July 1, 2007, the board of county commissioners may 12289
establish a board of alcohol, drug addiction, and mental health 12290
services on or after September 23, 2008. To establish the board, 12291
the board of county commissioners shall adopt a resolution 12292
providing for the board's establishment. The composition of the 12293
board, the procedures for appointing members, and all other 12294
matters related to the board and its members are subject to 12295
section 340.02 of the Revised Code, with the following exceptions: 12296

(a) For initial appointments to the board, the county's 12297
community mental health board and alcohol and drug addiction 12298
services board shall jointly recommend members of those boards for 12299
reappointment and shall submit the recommendations to the board of 12300

county commissioners and the director of mental health and 12301
addiction services. 12302

(b) The appointing authorities shall appoint the initial 12303
members from among the members jointly recommended under division 12304
(B)(1)(a) of this section unless the appointment is otherwise 12305
prohibited by law. 12306

(2) If a board of alcohol, drug addiction, and mental health 12307
services is established pursuant to division (B)(1) of this 12308
section, the board has the same rights, privileges, immunities, 12309
powers, and duties that were possessed by the county's community 12310
mental health board and alcohol and drug addiction services board. 12311
When the board is established, all property and obligations of the 12312
community mental health board and alcohol and drug addiction 12313
services board shall be transferred to the board of alcohol, drug 12314
addiction, and mental health services. 12315

Sec. 340.13. (A) As used in this section: 12316

(1) "Minority business enterprise" has the same meaning as in 12317
section 122.71 of the Revised Code. 12318

(2) "EDGE business enterprise" has the same meaning as in 12319
section ~~123.152~~122.922 of the Revised Code. 12320

(B) Any minority business enterprise that desires to bid on a 12321
contract under division (C) of this section shall first apply to 12322
the ~~equal employment opportunity coordinator in the department of~~ 12323
~~administrative services~~department of development for certification 12324
as a minority business enterprise. Any EDGE business enterprise 12325
that desires to bid on a contract under division (D) of this 12326
section shall first apply to the ~~equal employment opportunity~~ 12327
~~coordinator of the department of administrative services~~department 12328
of development for certification as an EDGE business enterprise. 12329
The ~~coordinator~~director of development shall approve the 12330

application of any minority business enterprise or EDGE business 12331
enterprise that complies with the rules adopted under section 12332
122.71 or ~~123.152~~122.922 of the Revised Code, respectively. The 12333
~~coordinator~~director shall prepare and maintain a list of minority 12334
business enterprises and EDGE business enterprises certified under 12335
those sections. 12336

(C) From the contracts to be awarded for the purchases of 12337
equipment, materials, supplies, or services, other than contracts 12338
entered into under section 340.036 of the Revised Code, each board 12339
of alcohol, drug addiction, and mental health services shall 12340
select a number of contracts with an aggregate value of 12341
approximately fifteen per cent of the total estimated value of 12342
contracts to be awarded in the current fiscal year. The board 12343
shall set aside the contracts so selected for bidding by minority 12344
business enterprises only. The bidding procedures for such 12345
contracts shall be the same as for all other contracts awarded 12346
under section 307.86 of the Revised Code, except that only 12347
minority business enterprises certified and listed pursuant to 12348
division (B) of this section shall be qualified to submit bids. 12349

(D) To the extent that a board is authorized to enter into 12350
contracts for construction, the board shall strive to attain a 12351
yearly contract dollar procurement goal the aggregate value of 12352
which equals approximately five per cent of the aggregate value of 12353
construction contracts for the current fiscal year for EDGE 12354
business enterprises only. 12355

(E)(1) In the case of contracts set aside under division (C) 12356
of this section, if no bid is submitted by a minority business 12357
enterprise, the contract shall be awarded according to normal 12358
bidding procedures. The board shall from time to time set aside 12359
such additional contracts as are necessary to replace those 12360
contracts previously set aside on which no minority business 12361
enterprise bid. 12362

(2) If a board, after having made a good faith effort, is 12363
unable to comply with the goal of procurement for contracting with 12364
EDGE business enterprises pursuant to division (D) of this 12365
section, the board may apply in writing, on a form prescribed by 12366
the department of administrative services, to the director of 12367
mental health and addiction services for a waiver or modification 12368
of the goal. 12369

(F) This section does not preclude any minority business 12370
enterprise or EDGE business enterprise from bidding on any other 12371
contract not specifically set aside for minority business 12372
enterprises or subject to procurement goals for EDGE business 12373
enterprises. 12374

(G) Within ninety days after the beginning of each fiscal 12375
year, each board shall file a report with the department of mental 12376
health and addiction services that shows for that fiscal year the 12377
name of each minority business enterprise and EDGE business 12378
enterprise with which the board entered into a contract, the value 12379
and type of each such contract, the total value of contracts 12380
awarded under divisions (C) and (D) of this section, the total 12381
value of contracts awarded for the purchases of equipment, 12382
materials, supplies, or services, other than contracts entered 12383
into under section 340.036 of the Revised Code, and the total 12384
value of contracts entered into for construction. 12385

(H) Any person who intentionally misrepresents self as 12386
owning, controlling, operating, or participating in a minority 12387
business enterprise or an EDGE business enterprise for the purpose 12388
of obtaining contracts or any other benefits under this section 12389
shall be guilty of theft by deception as provided for in section 12390
2913.02 of the Revised Code. 12391

Sec. 341.12. ~~(A)~~ In a county not having a sufficient jail or 12392
staff, ~~subject to division (B) of this section,~~ the sheriff shall 12393

convey any person charged with the commission of an offense, 12394
sentenced to imprisonment in the county jail, or in custody upon 12395
civil process to a jail in any county the sheriff considers most 12396
convenient and secure. As used in this paragraph, any county 12397
includes a contiguous county in an adjoining state. 12398

The sheriff may call such aid as is necessary in guarding, 12399
transporting, or returning such person. Whoever neglects or 12400
refuses to render such aid, when so called upon, shall forfeit and 12401
pay the sum of ten dollars, to be recovered by an action in the 12402
name and for the use of the county. 12403

Such sheriff and the sheriff's assistants shall receive such 12404
compensation for their services as the county auditor of the 12405
county from which such person was removed considers reasonable. 12406
The compensation shall be paid from the county treasury on the 12407
warrant of the auditor. 12408

The receiving sheriff shall not, pursuant to this section, 12409
convey the person received to any county other than the one from 12410
which the person was removed. 12411

~~(B)(1) If Lawrence county does not have sufficient jail space 12412
in the county or staff based upon the minimum standards for jails 12413
in Ohio promulgated pursuant to section 5120.10 of the Revised 12414
Code, instead of conveying a person in a category described in 12415
division (A) of this section to a jail in any county pursuant to 12416
that division, the Lawrence county sheriff may convey the person 12417
to the Ohio river valley facility in accordance with section 12418
341.121 of the Revised Code if an agreement for the Lawrence 12419
county sheriff's use of a portion of that facility entered into 12420
under that section then is in effect. 12421~~

~~(2) If a county other than Lawrence county does not have 12422
sufficient jail space or staff based upon the minimum standards 12423
for jails in Ohio promulgated pursuant to section 5120.10 of the 12424~~

~~Revised Code and has entered into an agreement to jail persons 12425
with the Lawrence county sheriff, instead of conveying a person in 12426
a category described in division (A) of this section to a jail in 12427
any county pursuant to that division, the sheriff of the other 12428
county may convey the person to the Ohio river valley facility in 12429
accordance with section 341.121 of the Revised Code if an 12430
agreement for the Lawrence county sheriff's use of a portion of 12431
that facility entered into under that section then is in effect. 12432~~

~~(3) As used in divisions (B)(1) and (2) of this section, 12433
"Ohio river valley facility" has the same meaning as in section 12434
341.121 of the Revised Code. 12435~~

Sec. 351.021. (A) The resolution of the county commissioners 12436
creating a convention facilities authority, or any amendment or 12437
supplement to that resolution, may authorize the authority to levy 12438
one or both of the excise taxes authorized by division (B) of this 12439
section to pay the cost of one or more facilities; to pay 12440
principal, interest, and premium on convention facilities 12441
authority tax anticipation bonds issued to pay those costs; to pay 12442
the operating costs of the authority; to pay operating and 12443
maintenance costs of those facilities; and to pay the costs of 12444
administering the excise tax. 12445

(B) The board of directors of a convention facilities 12446
authority that has been authorized pursuant to resolution adopted, 12447
amended, or supplemented by the board of county commissioners 12448
pursuant to division (A) of this section may levy, by resolution 12449
adopted on or before December 31, 1988, either or both of the 12450
following: 12451

(1) Within the territory of the authority, an additional 12452
excise tax not to exceed four per cent on each transaction. The 12453
excise tax authorized by division (B)(1) of this section shall be 12454
in addition to any excise tax levied pursuant to section 5739.08 12455

or 5739.09 of the Revised Code, or division (B)(2) of this 12456
section. 12457

(2) Within that portion of any municipal corporation that is 12458
located within the territory of the authority or within the 12459
boundaries of any township that is located within the territory of 12460
the authority, which municipal corporation or township is levying 12461
any portion of the excise tax authorized by division (A) of 12462
section 5739.08 of the Revised Code, and with the approval, by 12463
ordinance or resolution, of the legislative authority of that 12464
municipal corporation or township, an additional excise tax not to 12465
exceed nine-tenths of one per cent on each transaction. The excise 12466
tax authorized by division (B)(2) of this section may be levied 12467
only if, on the effective date of the levy specified in the 12468
resolution making the levy, the amount being levied pursuant to 12469
division (A) of section 5739.08 of the Revised Code by each 12470
municipal corporation or township in which the tax authorized by 12471
division (B)(2) of this section will be levied, when added to the 12472
amount levied under division (B)(2) of this section, does not 12473
exceed three per cent on each transaction. The excise tax 12474
authorized by division (B)(2) of this section shall be in addition 12475
to any excise tax that is levied pursuant to section 5739.08 or 12476
5739.09 of the Revised Code, or division (B)(1) of this section. 12477

(C)(1) The board of directors of a convention facilities 12478
authority that is located in an eligible Appalachian county; that 12479
has been authorized pursuant to resolution adopted, amended, or 12480
supplemented by the board of county commissioners pursuant to 12481
division (A) of this section; and that is not levying a tax under 12482
division (B)(1) or (2) of this section may levy within the 12483
territory of the authority, by resolution adopted on or before 12484
December 31, 2005, an additional excise tax not to exceed three 12485
per cent on each transaction. The excise tax authorized under 12486
division (C)(1) of this section shall be in addition to any excise 12487

tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code. 12488
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As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census. 12490
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(2) Division (C)(2) of this section applies only to a convention facilities authority located in a county with a population, according to the 2000 federal decennial census, of at least one hundred thirty-five thousand and not more than one hundred fifty thousand and containing entirely within its boundaries the territory of a municipal corporation with a population according to that census of more than fifty thousand. The board of directors of such a convention facilities authority, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of 12496
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commissioners' resolution is not approved at the election. A tax 12520
levied under division (C)(2) of this section is in addition to any 12521
tax levied under section 5739.09 of the Revised Code. 12522

The board of directors of a convention facilities authority 12523
that levies an excise tax under division (C)(2) of this section 12524
may, by resolution adopted by a majority of the members of the 12525
board on or before November 1, 2021, amend the resolution levying 12526
the tax to increase the rate of the tax by not more than an 12527
additional one per cent on each transaction. The resolution shall 12528
provide that all revenue from the increase in rate shall be used 12529
for the same purposes for which a tax may be levied under division 12530
(B) of this section. The resolution may be adopted only if the 12531
board of county commissioners of the county, by resolution, 12532
authorizes the rate increase. 12533

(3) The board of directors of a convention facilities 12534
authority created between July 1, 2019, and December 31, 2019, by 12535
resolution adopted on or before December 30, 2020, may levy within 12536
the territory of the authority an excise tax on transactions by 12537
which lodging by a hotel is or is to be furnished to transient 12538
guests at a rate not to exceed three per cent on such transactions 12539
for the purposes described in division (A) of this section. This 12540
tax shall be in addition to any excise tax levied pursuant to this 12541
section or section 5739.08 or 5739.09 of the Revised Code. The 12542
resolution levying the tax shall not take effect sooner than 12543
ninety days after the convention facilities authority is created. 12544

(D) The authority shall provide for the administration and 12545
allocation of an excise tax levied pursuant to division (B) or (C) 12546
of this section. All receipts arising from those excise taxes 12547
shall be expended for the purposes provided in, and in accordance 12548
with this section and section 351.141 of the Revised Code. An 12549
excise tax levied under division (B) or (C) of this section shall 12550
remain in effect at the rate at which it is levied for at least 12551

the duration of the period for which the receipts from the tax 12552
have been anticipated and pledged pursuant to section 351.141 of 12553
the Revised Code. 12554

(E) Except as provided in division (B)(2) of this section, 12555
the levy of an excise tax on each transaction pursuant to sections 12556
5739.08 and 5739.09 of the Revised Code does not prevent a 12557
convention facilities authority from levying an excise tax 12558
pursuant to division (B) or (C) of this section. 12559

(F) A convention facilities authority located in a county 12560
with a population greater than eighty thousand but less than 12561
ninety thousand according to the 2010 federal decennial census 12562
that levies a tax under division (B) of this section may amend the 12563
resolution levying the tax to allocate a portion of the revenue 12564
from the tax for support of tourism-related sites or facilities 12565
and programs operated by the county or a municipal corporation 12566
within the county in which the authority is located or for the 12567
purpose of leasing lands for county fairs, erecting buildings for 12568
county fair purposes, making improvements on a county fairground, 12569
or for any purpose connected with the use of a county fairground 12570
or with the management thereof by the county in which the 12571
authority is located. The revenue allocated by the authority for 12572
such purposes in a calendar year shall not exceed twenty-five per 12573
cent of the total revenue from the tax in the preceding calendar 12574
year. Revenue allocated for such purposes that is not fully used 12575
by the end of the calendar year may be carried forward for use in 12576
subsequent calendar years. Any amount carried forward does not 12577
count toward the limitation on the amount that may be allocated 12578
for such purposes in succeeding calendar years. 12579

Sec. 505.881. (A) If a program grant is awarded for an 12580
eligible project under sections 122.40 to 122.4077 of the Revised 12581
Code, the board of township trustees in which the project is 12582

situated, by resolution, may levy a special assessment upon 12583
residential property within the township for the purpose of 12584
providing a contribution from the township towards the broadband 12585
funding gap for the eligible project. Assessments under this 12586
section shall be levied only upon the residential property that is 12587
subject to the eligible project. Before adopting the resolution, 12588
the board shall send written notice to each affected property 12589
owner stating the estimated assessment for that property. If an 12590
owner objects to the stated estimated assessment, the owner shall 12591
file a written objection with the board not later than two weeks 12592
after the notice is mailed. The board shall review the written 12593
objection and may revise the estimated assessment before adopting 12594
the resolution. If the property owner objects to the final 12595
assessment for the property levied in the resolution, the owner 12596
may appeal the final assessment under Chapter 2506. of the Revised 12597
Code. 12598

(B) The assessment shall be at a rate that will produce a 12599
total assessment that is not more than the township's contribution 12600
towards the funding gap for the eligible project as described in 12601
the application under section 122.4020 of the Revised Code. The 12602
board shall certify the amount to be levied upon each affected 12603
property to the county auditor, who shall enter the amount on the 12604
tax duplicate for collection by the county treasurer in equal 12605
semiannual installments in the same manner and at the same times 12606
as the collection of taxes on real property. Assessments shall be 12607
paid by owners of the properties upon which assessments are 12608
levied. 12609

(C) The assessments, when collected, shall be paid by the 12610
county auditor by warrant on the county treasurer into a special 12611
fund in the township treasury created for the purpose of funding 12612
an eligible project for which a program grant is awarded under 12613
sections 122.40 to 122.4077 of the Revised Code and that is 12614

located in the township. The board may expend moneys from the fund 12615
only for the purposes for which the assessments were levied. 12616

Sec. 727.01. Each municipal corporation shall have special 12617
power to levy and collect special assessments. The legislative 12618
authority of a municipal corporation may assess upon the abutting, 12619
adjacent, and contiguous, or other specially benefited, lots or 12620
lands in the municipal corporation, any part of the cost connected 12621
with the improvement of any street, alley, dock, wharf, pier, 12622
public road, place, boulevard, parkway, or park entrance or an 12623
easement of the municipal corporation available for the purpose of 12624
the improvement to be made in it by grading, draining, curbing, 12625
paving, repaving, repairing, treating the surface with substances 12626
designed to lay the dust on it or preserve it, constructing 12627
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 12628
disposal works and treatment plants, sewage pumping stations, 12629
water treatment plants, water pumping stations, reservoirs, and 12630
water storage tanks or standpipes, together with the facilities 12631
and appurtenances necessary and proper therefor, drains, 12632
storm-water retention basins, watercourses, water mains, or laying 12633
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 12634
thereof, or removing snow therefrom, any part of the cost and 12635
expense of planting, maintaining, and removing shade trees 12636
thereupon; any part of the cost of a voluntary action, as defined 12637
in section 3746.01 of the Revised Code, undertaken pursuant to 12638
Chapter 3746. of the Revised Code by a special improvement 12639
district created under Chapter 1710. of the Revised Code, 12640
including the cost of acquiring property with respect to which the 12641
voluntary action is undertaken; any part of the cost and expense 12642
of constructing, maintaining, repairing, cleaning, and enclosing 12643
ditches; any part of the cost and expense of operating, 12644
maintaining, and replacing heating and cooling facilities for 12645
enclosed pedestrian canopies and malls; any part of the cost and 12646

expense of acquiring and improving parking facilities and 12647
structures for off-street parking of motor vehicles or of 12648
acquiring land and improving it by clearing, grading, draining, 12649
paving, lighting, erecting, constructing, and equipping it for 12650
parking facilities and structures for off-street parking of motor 12651
vehicles, to the extent authorized by section 717.05 of the 12652
Revised Code, but only if no special assessment made for the 12653
purpose of developing off-street parking facilities and structures 12654
is levied against any land being used solely for off-street 12655
parking or against any land used solely for single or two-family 12656
dwellings; any part of the cost and expense of operating and 12657
maintaining the off-street parking facilities and structures; and 12658
any part of the cost connected with changing the channel of, or 12659
narrowing, widening, dredging, deepening, or improving, any stream 12660
or watercourse, and for constructing or improving any levees or 12661
boulevards on any stream or watercourse, or along or about any 12662
stream or watercourse, together with any retaining wall, riprap 12663
protection, bulkhead, culverts, approaches, flood gates, 12664
waterways, or drains incidental to any stream or watercourse, or 12665
for making any other improvement of any river or lake front, 12666
whether it is privately or publicly owned, which the legislative 12667
authority declares conducive to the public health, convenience, or 12668
welfare. If a program grant is awarded for an eligible project 12669
under sections 122.40 to 122.4077 of the Revised Code, a municipal 12670
corporation may levy, against dwellings that are subject to the 12671
project, a special assessment for the purpose of providing a 12672
contribution from the municipal corporation towards the funding 12673
gap for the project. The assessment shall be at a rate that will 12674
produce a total assessment that is not more than the municipal 12675
corporation's contribution towards the funding gap for the 12676
eligible project as described in the application under section 12677
122.4020 of the Revised Code. In addition, a municipal corporation 12678
may levy a special assessment for public improvement or public 12679

services plans of a district formed under Chapter 1710. of the 12680
Revised Code, as provided in that chapter. Except as otherwise 12681
provided in Chapter 1710. of the Revised Code, special assessments 12682
may be levied by any of the following methods: 12683

(A) By a percentage of the tax value of the property 12684
assessed; 12685

(B) In proportion to the benefits that may result from the 12686
improvement; 12687

(C) By the front foot of the property bounding and abutting 12688
upon the improvement. 12689

Sec. 901.171. (A) The department of agriculture may promote 12690
the use of Ohio-produced agricultural goods, including natural 12691
spring water, through the issuance of logotypes to qualified 12692
producers and processors under a promotional certification program 12693
to be developed and administered by the division of markets. 12694

(B) Pursuant to rules adopted under Chapter 119. of the 12695
Revised Code, the department may establish reasonable fees and 12696
criteria for participation in the program. All such fees shall be 12697
credited to the ~~general revenue~~ Ohio proud, international, and 12698
domestic market development fund created in section 901.20 of the 12699
Revised Code and used to finance the program. 12700

(C) The department may sell merchandise that promotes the 12701
certification program. The director of agriculture shall deposit 12702
all proceeds from the sales of merchandise in the state treasury 12703
to the credit of the Ohio proud, international, and domestic 12704
market development fund. 12705

Sec. 901.91. The director of agriculture may assess the 12706
operating funds of the department of agriculture to pay a share of 12707
the department's central support and administrative costs. The 12708
assessments shall be based on a plan that the director develops 12709

~~and submits to the director of budget and management not later~~ 12710
~~than the fifteenth day of July of the fiscal year in which the~~ 12711
~~assessments are to be made. If the director of budget and~~ 12712
~~management determines that the assessments proposed in the plan~~ 12713
~~are appropriate, the director shall approve the plan. Assessments~~ 12714
shall be paid from the funds designated in the plan and credited 12715
by means of intrastate transfer voucher to the department of 12716
agriculture central support indirect costs fund, which is hereby 12717
created in the state treasury. The fund shall be administered by 12718
the director of agriculture and used to pay central support and 12719
administrative costs of the department of agriculture. 12720

Sec. 955.15. (A) The board of county commissioners shall 12721
provide nets and other suitable devices for the taking of dogs in 12722
a humane manner, provide a suitable place for impounding dogs, 12723
make proper provision for feeding and caring for the same, and 12724
provide humane devices and methods for destroying dogs. ~~In any~~ 12725
~~county in which there is a~~ 12726

(B) The dog warden shall deliver any dog that the warden or 12727
the warden's deputies have seized to one of the following: 12728

(1) A dog pound operated by the county; 12729

(2) A society for the prevention of cruelty to children and 12730
animals, ~~having that has~~ one or more agents ~~and maintaining,~~ 12731
operates an animal shelter suitable for a dog pound, and maintains 12732
devices for humanely destroying dogs, ~~the board need not furnish a~~ 12733
dog pound, but the county dog warden shall deliver all dogs seized 12734
by the warden and the warden's deputies to such society at its 12735
animal shelter, there to be dealt with in accordance with law. 12736
The; 12737

(3) An animal shelter that operates in a manner suitable for 12738
a dog pound and maintains devices for humanely destroying dogs. 12739
The warden shall deliver dogs to the animal shelter only if the 12740

board of county commissioners has entered into a written agreement 12741
with the animal shelter to operate on behalf of the county. 12742

A pound, society, or shelter to which a dog has been 12743
delivered under division (B) of this section shall deal with the 12744
dog in accordance with law. 12745

(C) The board shall provide for the payment of reasonable 12746
compensation to ~~such a~~ society or shelter described in division 12747
(B) of this section for its services so performed out of the dog 12748
and kennel fund. ~~The~~ 12749

(D) The board may designate and appoint any officers 12750
regularly employed by any society organized under sections 1717.02 12751
to 1717.05 of the Revised Code, to act as county dog warden or 12752
deputies for the purpose of carrying out sections 955.01 to 955.27 12753
of the Revised Code, if such society whose agents are so employed 12754
owns or controls a suitable place for keeping and destroying dogs. 12755

Sec. 1121.30. (A) All assessments, fees, charges, and 12756
forfeitures provided for in Chapters 1101. to 1127. and sections 12757
1315.01 to 1315.18 of the Revised Code, except civil penalties 12758
assessed pursuant to section 1121.35 or 1315.152 of the Revised 12759
Code, shall be paid to the superintendent of financial 12760
institutions, and the superintendent shall deposit them into the 12761
state treasury to the credit of the banks fund, which is hereby 12762
created. 12763

(B) The superintendent may expend or obligate the banks fund 12764
to defray the costs of the division of financial institutions in 12765
administering Chapters 1101. to 1127. and sections 1315.01 to 12766
1315.18 of the Revised Code. The superintendent shall pay from the 12767
fund all actual and necessary expenses incurred by the 12768
superintendent, including for any services rendered by the 12769
department of commerce for the division's administration of 12770
Chapters 1101. to 1127. and sections 1315.01 to 1315.18 of the 12771

Revised Code. The fund shall be assessed a proportionate share of 12772
the administrative costs of the department and the division of 12773
financial institutions. The proportionate share of the 12774
administration costs of the division of financial institutions 12775
shall be determined in accordance with procedures prescribed by 12776
the superintendent ~~and approved by the director of budget and~~ 12777
~~management~~. The amount assessed for the fund's proportional share 12778
of the department's administrative costs and the division's 12779
administrative costs shall be paid from the banks fund to the 12780
division of administration fund and the division of financial 12781
institutions fund respectively. 12782

(C) Any money deposited into the state treasury to the credit 12783
of the banks fund, but not expended or encumbered by the 12784
superintendent to defray the costs of administering Chapters 1101. 12785
to 1127. and sections 1315.01 to 1315.18 of the Revised Code, 12786
shall remain in the banks fund for expenditures by the 12787
superintendent in subsequent years and shall not be used for any 12788
purpose other than as set forth in this section. 12789

Sec. 1181.06. There is hereby created in the state treasury 12790
the financial institutions fund. The fund shall receive 12791
assessments on the banks fund established under section 1121.30 of 12792
the Revised Code, the credit unions fund established under section 12793
1733.321 of the Revised Code, and the consumer finance fund 12794
established under section 1321.21 of the Revised Code in 12795
accordance with procedures prescribed by the superintendent of 12796
financial institutions ~~and approved by the director of budget and~~ 12797
~~management~~. Such assessments shall be in addition to any 12798
assessments on these funds required under division (G) of section 12799
121.08 of the Revised Code. All operating expenses of the division 12800
of financial institutions shall be paid from the financial 12801
institutions fund. Money in the fund shall be used only for that 12802
purpose. 12803

Sec. 1321.21. All fees, charges, penalties, and forfeitures 12804
collected under Chapters 1321., 1322., 4712., 4727., and 4728., 12805
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 12806
the Revised Code shall be paid to the superintendent of financial 12807
institutions and shall be deposited by the superintendent into the 12808
state treasury to the credit of the consumer finance fund, which 12809
is hereby created. The fund may be expended or obligated by the 12810
superintendent for the defrayment of the costs of administration 12811
of Chapters 1321., 1322., 4712., 4727., and 4728., sections 12812
1315.21 to 1315.30, and sections 1349.25 to 1349.37 of the Revised 12813
Code by the division of financial institutions. All actual and 12814
necessary expenses incurred by the superintendent, including any 12815
services rendered by the department of commerce for the division's 12816
administration of Chapters 1321., 1322., 4712., 4727., and 4728., 12817
sections 1315.21 to 1315.30, and sections 1349.25 to 1349.37 of 12818
the Revised Code, shall be paid from the fund. The fund shall be 12819
assessed a proportionate share of the administrative costs of the 12820
department and the division. The proportionate share of the 12821
administrative costs of the division of financial institutions 12822
shall be determined in accordance with procedures prescribed by 12823
the superintendent ~~and approved by the director of budget and~~ 12824
~~management~~. Such assessment shall be paid from the consumer 12825
finance fund to the division of administration fund or the 12826
financial institutions fund. 12827

Periodically, in accordance with a schedule the director 12828
establishes by rule, but at least once every three months, the 12829
director of budget and management shall transfer five per cent of 12830
all charges, penalties, and forfeitures received into the consumer 12831
finance fund to the financial literacy education fund created 12832
under section 121.085 of the Revised Code. 12833

Sec. 1322.09. (A) An application for a certificate of 12834

registration shall be in writing, under oath, and in a form 12835
prescribed by the superintendent of financial institutions that 12836
complies with the requirements of the nationwide mortgage 12837
licensing system and registry. The application shall be 12838
accompanied by a nonrefundable application fee of ~~five~~ seven 12839
hundred dollars for each location of an office to be maintained by 12840
the applicant in accordance with division (A) of section 1322.07 12841
of the Revised Code and any additional fee required by the 12842
nationwide mortgage licensing system and registry. 12843

(B) Upon the filing of the application and payment of the 12844
nonrefundable application fee and any fee required by the 12845
nationwide mortgage licensing system and registry, the 12846
superintendent shall investigate the applicant and any individual 12847
whose identity is required to be disclosed in the application. As 12848
part of that investigation, the superintendent shall conduct a 12849
civil records check. 12850

If, in order to issue a certificate of registration to an 12851
applicant, additional investigation by the superintendent outside 12852
this state is necessary, the superintendent may require the 12853
applicant to advance sufficient funds to pay the actual expenses 12854
of the investigation, if it appears that these expenses will 12855
exceed five hundred dollars. The superintendent shall provide the 12856
applicant with an itemized statement of the actual expenses that 12857
the applicant is required to pay. 12858

(C) In connection with applying for a certificate of 12859
registration, the applicant shall furnish to the nationwide 12860
mortgage licensing system and registry information concerning the 12861
applicant's identity, including all of the following: 12862

(1) The applicant's fingerprints for submission to the 12863
federal bureau of investigation, and any other governmental agency 12864
or entity authorized to receive such information, for purposes of 12865

a state, national, and international criminal history background 12866
check; 12867

(2) Personal history and experience in a form prescribed by 12868
the nationwide mortgage licensing system and registry, along with 12869
authorization for the superintendent and the nationwide mortgage 12870
licensing system and registry to obtain both of the following: 12871

(a) An independent credit report from a consumer reporting 12872
agency; 12873

(b) Information related to any administrative, civil, or 12874
criminal findings by any governmental jurisdiction. 12875

(D) The superintendent shall pay all funds advanced and 12876
application and renewal fees and penalties the superintendent 12877
receives pursuant to this section and section 1322.10 of the 12878
Revised Code to the treasurer of state to the credit of the 12879
consumer finance fund created in section 1321.21 of the Revised 12880
Code. 12881

(E) If an application for a certificate of registration does 12882
not contain all of the information required under this section, 12883
and if that information is not submitted to the superintendent or 12884
to the nationwide mortgage licensing system and registry within 12885
ninety days after the superintendent or the nationwide mortgage 12886
licensing system and registry requests the information in writing, 12887
including by electronic transmission or facsimile, the 12888
superintendent may consider the application withdrawn. 12889

(F) A certificate of registration and the authority granted 12890
under that certificate is not transferable or assignable and 12891
cannot be franchised by contract or any other means. 12892

(G)(1) The superintendent may establish relationships or 12893
enter into contracts with the nationwide mortgage licensing system 12894
and registry, or any entities designated by it, to collect and 12895
maintain records and process transaction fees or other fees 12896

related to mortgage lender, mortgage servicer, or mortgage broker 12897
certificates of registration or the persons associated with a 12898
mortgage lender, mortgage servicer, or mortgage broker. 12899

(2) For purposes of this section and to reduce the points of 12900
contact that the federal bureau of investigation may have to 12901
maintain, the division of financial institutions may use the 12902
nationwide mortgage licensing system and registry as a channeling 12903
agent for requesting information from and distributing information 12904
to the United States department of justice or other governmental 12905
agencies. 12906

(3) For purposes of this section and to reduce the points of 12907
contact that the division may have to maintain, the division may 12908
use the nationwide mortgage licensing system and registry as a 12909
channeling agent for requesting information from and distributing 12910
information to any source as determined by the division. 12911

Sec. 1322.10. (A) Upon the conclusion of the investigation 12912
required under division (B) of section 1322.09 of the Revised 12913
Code, the superintendent of financial institutions shall issue a 12914
certificate of registration to the applicant if the superintendent 12915
finds that the following conditions are met: 12916

(1) The application is accompanied by the application fee and 12917
any fee required by the nationwide mortgage licensing system and 12918
registry. 12919

(a) If a check or other draft instrument is returned to the 12920
superintendent for insufficient funds, the superintendent shall 12921
notify the applicant by certified mail, return receipt requested, 12922
that the application will be withdrawn unless the applicant, 12923
within thirty days after receipt of the notice, submits the 12924
application fee and a one-hundred-dollar penalty to the 12925
superintendent. If the applicant does not submit the application 12926
fee and penalty within that time period, or if any check or other 12927

draft instrument used to pay the fee or penalty is returned to the 12928
superintendent for insufficient funds, the application shall be 12929
withdrawn. 12930

(b) If a check or other draft instrument is returned to the 12931
superintendent for insufficient funds after the certificate of 12932
registration has been issued, the superintendent shall notify the 12933
registrant by certified mail, return receipt requested, that the 12934
certificate of registration issued in reliance on the check or 12935
other draft instrument will be canceled unless the registrant, 12936
within thirty days after receipt of the notice, submits the 12937
application fee and a one-hundred-dollar penalty to the 12938
superintendent. If the registrant does not submit the application 12939
fee and penalty within that time period, or if any check or other 12940
draft instrument used to pay the fee or penalty is returned to the 12941
superintendent for insufficient funds, the certificate of 12942
registration shall be canceled immediately without a hearing, and 12943
the registrant shall cease activity as a mortgage broker. 12944

(2) If the application is for a location that is a residence, 12945
evidence that the use of the residence to transact business as a 12946
mortgage lender or mortgage broker is not prohibited. 12947

(3) The applicant maintains all necessary filings and 12948
approvals required by the secretary of state. 12949

(4) The applicant complies with the surety bond requirements 12950
of section 1322.32 of the Revised Code. 12951

(5) The applicant has not made a material misstatement of 12952
fact or material omission of fact in the application. 12953

(6) Neither the applicant nor any person whose identity is 12954
required to be disclosed on an application for a certificate of 12955
registration has had such a certificate of registration or 12956
mortgage loan originator license, or any comparable authority, 12957
revoked in any governmental jurisdiction or has pleaded guilty or 12958

nolo contendere to or been convicted of a disqualifying offense as 12959
determined in accordance with section 9.79 of the Revised Code. 12960

(7) The applicant's operations manager successfully completed 12961
the examination required by section 1322.27 of the Revised Code. 12962

(8) The applicant's financial responsibility, experience, and 12963
general fitness command the confidence of the public and warrant 12964
the belief that the business will be operated honestly, fairly, 12965
and efficiently in compliance with the purposes of this chapter 12966
and the rules adopted thereunder. The superintendent shall not use 12967
a credit score or a bankruptcy as the sole basis for registration 12968
denial. 12969

(B) For purposes of determining whether an applicant that is 12970
a partnership, corporation, or other business entity or 12971
association has met the conditions set forth in divisions (A)(6) 12972
and (8) of this section, the superintendent shall determine which 12973
partners, shareholders, or persons named in the application must 12974
meet those conditions. This determination shall be based on the 12975
extent and nature of the partner's, shareholder's, or person's 12976
ownership interest in the partnership, corporation, or other 12977
business entity or association that is the applicant and on 12978
whether the person is in a position to direct, control, or 12979
adversely influence the operations of the applicant. 12980

(C) The certificate of registration issued pursuant to 12981
division (A) of this section may be renewed annually on or before 12982
the thirty-first day of December if the superintendent finds that 12983
all of the following conditions are met: 12984

(1) The renewal application is accompanied by a nonrefundable 12985
renewal fee of ~~five~~ seven hundred dollars for each location of an 12986
office to be maintained by the applicant in accordance with 12987
division (A) of section 1322.07 of the Revised Code and any fee 12988
required by the nationwide mortgage licensing system and registry. 12989

If a check or other draft instrument is returned to the 12990
superintendent for insufficient funds, the superintendent shall 12991
notify the registrant by certified mail, return receipt requested, 12992
that the certificate of registration renewed in reliance on the 12993
check or other draft instrument will be canceled unless the 12994
registrant, within thirty days after receipt of the notice, 12995
submits the renewal fee and a one-hundred-dollar penalty to the 12996
superintendent. If the registrant does not submit the renewal fee 12997
and penalty within that time period, or if any check or other 12998
draft instrument used to pay the fee or penalty is returned to the 12999
superintendent for insufficient funds, the certificate of 13000
registration shall be canceled immediately without a hearing and 13001
the registrant shall cease activity as a mortgage broker. 13002

(2) The operations manager designated under section 1322.12 13003
of the Revised Code has completed at least eight hours of 13004
continuing education as required under section 1322.28 of the 13005
Revised Code. 13006

(3) The applicant meets the conditions set forth in divisions 13007
(A)(2), (3), (4), (5), (7), and (8) of this section. 13008

(4) Neither the applicant nor any person whose identity is 13009
required to be disclosed on the renewal application has had a 13010
certificate of registration or mortgage loan originator license, 13011
or any comparable authority, revoked in any governmental 13012
jurisdiction or has pleaded guilty or nolo contendere to or been 13013
convicted of any of the following in a domestic, foreign, or 13014
military court: 13015

(a) During the seven-year period immediately preceding the 13016
date of the renewal application but excluding any time before the 13017
certificate of registration was issued, a misdemeanor involving 13018
theft or any felony; 13019

(b) At any time between the date of the original certificate 13020

of registration and the date of the renewal application, a felony 13021
involving an act of fraud, dishonesty, a breach of trust, theft, 13022
or money laundering. 13023

(5) The applicant's certificate of registration is not 13024
subject to an order of suspension or an unpaid and past due fine 13025
imposed by the superintendent. 13026

(D)(1) Subject to division (D)(2) of this section, if a 13027
renewal fee or additional fee required by the nationwide mortgage 13028
licensing system and registry is received by the superintendent 13029
after the thirty-first day of December, the certificate of 13030
registration shall not be considered renewed, and the applicant 13031
shall cease activity as a mortgage lender or mortgage broker. 13032

(2) Division (D)(1) of this section shall not apply if the 13033
applicant, not later than forty-five days after the renewal 13034
deadline, submits the renewal fee or additional fee and a 13035
~~one hundred dollar~~ one-hundred-fifty-dollar penalty to the 13036
superintendent. 13037

(E) Certificates of registration issued under this chapter 13038
annually expire on the thirty-first day of December. 13039

(F) The pardon or expungement of a conviction shall not be 13040
considered a conviction for purposes of this section. 13041

Sec. 1322.20. (A) An application for a license as a mortgage 13042
loan originator shall be in writing, under oath, and in a form 13043
prescribed by the superintendent of financial institutions that 13044
complies with the requirements of the nationwide mortgage 13045
licensing system and registry. The application shall be 13046
accompanied by a nonrefundable application fee of ~~one~~ two hundred 13047
~~fifty~~ dollars and any additional fee required by the nationwide 13048
mortgage licensing system and registry. 13049

(B)(1) The application shall provide evidence, acceptable to 13050

the superintendent, that the applicant has successfully completed 13051
at least twenty-four hours of pre-licensing instruction consisting 13052
of all of the following: 13053

(a) Twenty hours of instruction in an approved education 13054
course; 13055

(b) Four hours of instruction in a course or program of study 13056
reviewed and approved by the superintendent concerning Ohio 13057
lending laws and the Ohio consumer sales practices act, Chapter 13058
1345. of the Revised Code, as it applies to registrants and 13059
licensees. 13060

(2) If an applicant held a valid mortgage loan originator 13061
license issued by this state at any time during the immediately 13062
preceding five-year period, the applicant shall not be required to 13063
complete any additional pre-licensing instruction. For this 13064
purpose, any time during which the individual is a registered 13065
mortgage loan originator shall not be taken into account. 13066

(3) A person having successfully completed the pre-licensing 13067
education requirement reviewed and approved by the nationwide 13068
mortgage licensing system and registry for any state within the 13069
previous five years shall be granted credit toward completion of 13070
the pre-licensing education requirement of this state. 13071

(C) In addition to the information required under division 13072
(B) of this section, the application shall provide both of the 13073
following: 13074

(1) Evidence that the applicant passed a written test that 13075
meets the requirements described in section 1322.27 of the Revised 13076
Code; 13077

(2) Any further information that the superintendent requires. 13078

(D) Upon the filing of the application and payment of the 13079
application fee and any fee required by the nationwide mortgage 13080

licensing system and registry, the superintendent of financial 13081
institutions shall investigate the applicant. As part of that 13082
investigation, the superintendent shall conduct a civil records 13083
check. 13084

If, in order to issue a license to an applicant, additional 13085
investigation by the superintendent outside this state is 13086
necessary, the superintendent may require the applicant to advance 13087
sufficient funds to pay the actual expenses of the investigation, 13088
if it appears that these expenses will exceed five hundred 13089
dollars. The superintendent shall provide the applicant with an 13090
itemized statement of the actual expenses that the applicant is 13091
required to pay. 13092

(E) In connection with applying for a loan originator 13093
license, the applicant shall furnish to the nationwide mortgage 13094
licensing system and registry information concerning the 13095
applicant's identity, including all of the following: 13096

(1) The applicant's fingerprints for submission to the 13097
federal bureau of investigation, and any other governmental agency 13098
or entity authorized to receive such information, for purposes of 13099
a state, national, and international criminal history background 13100
check; 13101

(2) Personal history and experience in a form prescribed by 13102
the nationwide mortgage licensing system and registry, along with 13103
authorization for the superintendent and the nationwide mortgage 13104
licensing system and registry to obtain both of the following: 13105

(a) An independent credit report from a consumer reporting 13106
agency; 13107

(b) Information related to any administrative, civil, or 13108
criminal findings by any governmental jurisdiction. 13109

(F) The superintendent shall pay all funds advanced and 13110
application and renewal fees and penalties the superintendent 13111

receives pursuant to this section and section 1322.21 of the Revised Code to the treasurer of state to the credit of the consumer finance fund created in section 1321.21 of the Revised Code.

(G) If an application for a mortgage loan originator license does not contain all of the information required under this section, and if that information is not submitted to the superintendent or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn.

(H)(1) The superintendent may establish relationships or enter into contracts with the nationwide mortgage licensing system and registry, or any entities designated by it, to collect and maintain records and process transaction fees or other fees related to mortgage loan originator licenses or the persons associated with a licensee.

(2) For purposes of this section and to reduce the points of contact that the federal bureau of investigation may have to maintain, the division of financial institutions may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the United States department of justice or other governmental agencies.

(3) For purposes of this section and to reduce the points of contact that the division may have to maintain, the division may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to any source as determined by the division.

(I) A mortgage loan originator license, or the authority 13143
granted under that license, is not assignable or transferable. 13144

Sec. 1322.21. (A) Upon the conclusion of the investigation 13145
required under division (C) of section 1322.20 of the Revised 13146
Code, the superintendent of financial institutions shall issue a 13147
mortgage loan originator license to the applicant if the 13148
superintendent finds that the following conditions are met: 13149

(1) The application is accompanied by the application fee and 13150
any fee required by the nationwide mortgage licensing system and 13151
registry. 13152

(a) If a check or other draft instrument is returned to the 13153
superintendent for insufficient funds, the superintendent shall 13154
notify the applicant by certified mail, return receipt requested, 13155
that the application will be withdrawn unless the applicant, 13156
within thirty days after receipt of the notice, submits the 13157
application fee and a one-hundred-dollar penalty to the 13158
superintendent. If the applicant does not submit the application 13159
fee and penalty within that time period, or if any check or other 13160
draft instrument used to pay the fee or penalty is returned to the 13161
superintendent for insufficient funds, the application shall be 13162
withdrawn. 13163

(b) If a check or other draft instrument is returned to the 13164
superintendent for insufficient funds after the license has been 13165
issued, the superintendent shall notify the licensee by certified 13166
mail, return receipt requested, that the license issued in 13167
reliance on the check or other draft instrument will be canceled 13168
unless the licensee, within thirty days after receipt of the 13169
notice, submits the application fee and a one-hundred-dollar 13170
penalty to the superintendent. If the licensee does not submit the 13171
application fee and penalty within that time period, or if any 13172
check or other draft instrument used to pay the fee or penalty is 13173

returned to the superintendent for insufficient funds, the license 13174
shall be canceled immediately without a hearing, and the licensee 13175
shall cease activity as a loan originator. 13176

(2) The applicant has not made a material misstatement of 13177
fact or material omission of fact in the application. 13178

(3) The applicant has not been convicted of or pleaded guilty 13179
or nolo contendere to a disqualifying offense as determined in 13180
accordance with section 9.79 of the Revised Code. 13181

(4) The applicant completed the prelicensing instruction set 13182
forth in division (B) of section 1322.20 of the Revised Code. 13183

(5) The applicant's financial responsibility and general 13184
fitness command the confidence of the public and warrant the 13185
belief that the business will be operated honestly and fairly in 13186
compliance with the purposes of this chapter. The superintendent 13187
shall not use a credit score or bankruptcy as the sole basis for a 13188
license denial. 13189

(6) The applicant is in compliance with the surety bond 13190
requirements of section 1322.32 of the Revised Code. 13191

(7) The applicant has not had a mortgage loan originator 13192
license, or comparable authority, revoked in any governmental 13193
jurisdiction. 13194

(B) The license issued under division (A) of this section may 13195
be renewed annually on or before the thirty-first day of December 13196
if the superintendent finds that all of the following conditions 13197
are met: 13198

(1) The renewal application is accompanied by a nonrefundable 13199
renewal fee of ~~one~~ two hundred ~~fifty~~ dollars and any fee required 13200
by the nationwide mortgage licensing system and registry. If a 13201
check or other draft instrument is returned to the superintendent 13202
for insufficient funds, the superintendent shall notify the 13203

licensee by certified mail, return receipt requested, that the 13204
license renewed in reliance on the check or other draft instrument 13205
will be canceled unless the licensee, within thirty days after 13206
receipt of the notice, submits the renewal fee and a 13207
one-hundred-dollar penalty to the superintendent. If the licensee 13208
does not submit the renewal fee and penalty within that time 13209
period, or if any check or other draft instrument used to pay the 13210
fee or penalty is returned to the superintendent for insufficient 13211
funds, the license shall be canceled immediately without a 13212
hearing, and the licensee shall cease activity as a loan 13213
originator. 13214

(2) The applicant has completed at least eight hours of 13215
continuing education as required under section 1322.28 of the 13216
Revised Code. 13217

(3) The applicant meets the conditions set forth in divisions 13218
(A)(2), (4), (5), (6), and (7) of this section. 13219

(4) The applicant has not been convicted of or pleaded guilty 13220
or nolo contendere to any of the following in a domestic, foreign, 13221
or military court: 13222

(a) During the seven-year period immediately preceding the 13223
date of the renewal application but excluding any time before the 13224
license was issued, a misdemeanor involving theft or any felony; 13225

(b) At any time between the date of the original license and 13226
the date of the renewal application, a felony involving an act of 13227
fraud, dishonesty, a breach of trust, theft, or money laundering. 13228

(5) The applicant's license is not subject to an order of 13229
suspension or an unpaid and past due fine imposed by the 13230
superintendent. 13231

(C)(1) Subject to division (C)(2) of this section, if a 13232
license renewal application fee, including any fee required by the 13233
nationwide mortgage licensing system and registry, is received by 13234

the superintendent after the thirty-first day of December, the 13235
license shall not be considered renewed, and the applicant shall 13236
cease activity as a mortgage loan originator. 13237

(2) Division (C)(1) of this section shall not apply if the 13238
applicant, not later than forty-five days after the renewal 13239
deadline, submits the renewal application and any other required 13240
fees and a ~~one hundred dollar~~ one-hundred-fifty-dollar penalty to 13241
the superintendent. 13242

(D) Mortgage originator licenses annually expire on the 13243
thirty-first day of December. 13244

(E) The pardon or expungement of a conviction shall not be 13245
considered a conviction for purposes of this section. When 13246
determining the eligibility of an applicant, the superintendent 13247
may consider the underlying crime, facts, or circumstances 13248
connected with a pardoned or expunged conviction. 13249

Sec. 1337.11. As used in sections 1337.11 to 1337.17 of the 13250
Revised Code: 13251

(A) "Adult" means a person who is eighteen years of age or 13252
older. 13253

(B) "Attending physician" means the physician to whom a 13254
principal or the family of a principal has assigned primary 13255
responsibility for the treatment or care of the principal or, if 13256
the responsibility has not been assigned, the physician who has 13257
accepted that responsibility. 13258

(C) "Comfort care" means any of the following: 13259

(1) Nutrition when administered to diminish the pain or 13260
discomfort of a principal, but not to postpone death; 13261

(2) Hydration when administered to diminish the pain or 13262
discomfort of a principal, but not to postpone death; 13263

(3) Any other medical or nursing procedure, treatment,	13264
intervention, or other measure that is taken to diminish the pain	13265
or discomfort of a principal, but not to postpone death.	13266
(D) "Consulting physician" means a physician who, in	13267
conjunction with the attending physician of a principal, makes one	13268
or more determinations that are required to be made by the	13269
attending physician, or to be made by the attending physician and	13270
one other physician, by an applicable provision of sections	13271
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of	13272
medical certainty and in accordance with reasonable medical	13273
standards.	13274
(E) "Declaration for mental health treatment" has the same	13275
meaning as in section 2135.01 of the Revised Code.	13276
(F) "Guardian" means a person appointed by a probate court	13277
pursuant to Chapter 2111. of the Revised Code to have the care and	13278
management of the person of an incompetent.	13279
(G) "Health care" means any care, treatment, service, or	13280
procedure to maintain, diagnose, or treat an individual's physical	13281
or mental condition or physical or mental health.	13282
(H) "Health care decision" means informed consent, refusal to	13283
give informed consent, or withdrawal of informed consent to health	13284
care.	13285
(I) "Health care facility" means any of the following:	13286
(1) A hospital;	13287
(2) A hospice care program, pediatric respite care program,	13288
or other institution that specializes in comfort care of patients	13289
in a terminal condition or in a permanently unconscious state;	13290
(3) A nursing home;	13291
(4) A home health agency;	13292
(5) An intermediate care facility for individuals with	13293

intellectual disabilities;	13294
(6) A regulated community mental health organization.	13295
(J) "Health care personnel" means physicians, nurses,	13296
physician assistants, emergency medical technicians-basic,	13297
emergency medical technicians-intermediate, emergency medical	13298
technicians-paramedic, medical technicians, dietitians, other	13299
authorized persons acting under the direction of an attending	13300
physician, and administrators of health care facilities.	13301
(K) "Home health agency" has the same meaning as in section	13302
3701.881 <u>3740.01</u> of the Revised Code.	13303
(L) "Hospice care program" and "pediatric respite care	13304
program" have the same meanings as in section 3712.01 of the	13305
Revised Code.	13306
(M) "Hospital" has the same meanings as in sections 3701.01,	13307
3727.01, and 5122.01 of the Revised Code.	13308
(N) "Hydration" means fluids that are artificially or	13309
technologically administered.	13310
(O) "Incompetent" has the same meaning as in section 2111.01	13311
of the Revised Code.	13312
(P) "Intermediate care facility for individuals with	13313
intellectual disabilities" has the same meaning as in section	13314
5124.01 of the Revised Code.	13315
(Q) "Life-sustaining treatment" means any medical procedure,	13316
treatment, intervention, or other measure that, when administered	13317
to a principal, will serve principally to prolong the process of	13318
dying.	13319
(R) "Medical claim" has the same meaning as in section	13320
2305.113 of the Revised Code.	13321
(S) "Mental health treatment" has the same meaning as in	13322
section 2135.01 of the Revised Code.	13323

(T) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 13324
13325

(U) "Nutrition" means sustenance that is artificially or technologically administered. 13326
13327

(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following: 13328
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13330
13331
13332
13333

(1) Irreversible unawareness of one's being and environment. 13334

(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering. 13335
13336

(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities. 13337
13338
13339
13340

(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 13341
13342
13343

(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code. 13344
13345

(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing. 13346
13347
13348
13349

(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section 5119.34 of the Revised Code or a community mental health services provider as defined in section 5122.01 of the Revised Code. 13350
13351
13352
13353

(BB) "Terminal condition" means an irreversible, incurable, 13354
and untreatable condition caused by disease, illness, or injury 13355
from which, to a reasonable degree of medical certainty as 13356
determined in accordance with reasonable medical standards by a 13357
principal's attending physician and one other physician who has 13358
examined the principal, both of the following apply: 13359

(1) There can be no recovery. 13360

(2) Death is likely to occur within a relatively short time 13361
if life-sustaining treatment is not administered. 13362

(CC) "Tort action" means a civil action for damages for 13363
injury, death, or loss to person or property, other than a civil 13364
action for damages for a breach of contract or another agreement 13365
between persons. 13366

Sec. 1503.03. The chief of the division of forestry shall 13367
cooperate with all state operated universities and the department 13368
of agriculture. The chief, with the approval of the director of 13369
natural resources, may purchase or acquire by gift, donations, or 13370
contributions any interest in land suitable for forestry purposes. 13371
The chief may enter into agreements with the federal government or 13372
other agencies for the acquisition, by lease, purchase, or 13373
otherwise, of such lands as in the judgment of the chief and 13374
director are desirable for state forests, building sites, or 13375
nursery lands. The chief may expend funds, not otherwise 13376
obligated, for the management, development, and utilization of 13377
such lands. 13378

The chief, with the approval of the director of natural 13379
resources, may acquire by lease, purchase, gift, or otherwise, in 13380
the name of the state, forested or other lands in the state 13381
suitable for the growth of forest trees to the amount of the 13382
appropriation for that purpose. The chief shall prepare and submit 13383
to the director of natural resources maps and descriptions of such 13384

areas including and adjacent to the existing state forest lands, 13385
the lands within which, not at the time belonging to the state, 13386
are properly subject to purchase as state forest lands for reasons 13387
of protection, utilization, and administration. When such an area 13388
is approved by the director of natural resources, it shall be 13389
known as a state forest purchase area and the map and description, 13390
with the approval of the director of natural resources indorsed 13391
thereon, shall be filed in duplicate with the ~~auditor of state~~ 13392
director of administrative services and the attorney general. 13393

All lands purchased for forest purposes shall be deeded to 13394
the state, but the purchase price of such lands shall not be paid 13395
until the title thereof has been approved by the attorney general. 13396
The price of such lands shall not exceed the appropriation for 13397
such purposes. 13398

Sec. 1503.05. (A) The chief of the division of forestry may 13399
sell timber and other forest products from the state forest ~~and,~~ 13400
state forest nurseries, and federal lands in accordance with the 13401
terms of an agreement under section 1503.271 of the Revised Code 13402
whenever the chief considers such a sale desirable ~~and, with.~~ With 13403
the approval of the attorney general and the director of natural 13404
resources, the chief may sell portions of the state forest lands 13405
when such a sale is advantageous to the state. 13406

(B) Except as otherwise provided in this section, a timber 13407
sale agreement shall not be executed unless the person or 13408
governmental entity bidding on the sale executes and files a 13409
surety bond conditioned on completion of the timber sale in 13410
accordance with the terms of the agreement in an amount determined 13411
by the chief. All bonds shall be given in a form prescribed by the 13412
chief and shall run to the state as obligee. 13413

The chief shall not approve any bond until it is personally 13414
signed and acknowledged by both principal and surety, or as to 13415

either by the attorney in fact thereof, with a certified copy of 13416
the power of attorney attached. The chief shall not approve the 13417
bond unless there is attached a certificate of the superintendent 13418
of insurance that the company is authorized to transact a fidelity 13419
and surety business in this state. 13420

In lieu of a bond, the bidder may deposit any of the 13421
following: 13422

(1) Cash in an amount equal to the amount of the bond; 13423

(2) United States government securities having a par value 13424
equal to or greater than the amount of the bond; 13425

(3) Negotiable certificates of deposit or irrevocable letters 13426
of credit issued by any bank organized or transacting business in 13427
this state having a par value equal to or greater than the amount 13428
of the bond. 13429

The cash or securities shall be deposited on the same terms 13430
as bonds. If one or more certificates of deposit are deposited in 13431
lieu of a bond, the chief shall require the bank that issued any 13432
of the certificates to pledge securities of the aggregate market 13433
value equal to the amount of the certificate or certificates that 13434
is in excess of the amount insured by the federal deposit 13435
insurance corporation. The securities to be pledged shall be those 13436
designated as eligible under section 135.18 of the Revised Code. 13437
The securities shall be security for the repayment of the 13438
certificate or certificates of deposit. 13439

Immediately upon a deposit of cash, securities, certificates 13440
of deposit, or letters of credit, the chief shall deliver them to 13441
the treasurer of state, who shall hold them in trust for the 13442
purposes for which they have been deposited. The treasurer of 13443
state is responsible for the safekeeping of the deposits. A bidder 13444
making a deposit of cash, securities, certificates of deposit, or 13445
letters of credit may withdraw and receive from the treasurer of 13446

state, on the written order of the chief, all or any portion of 13447
the cash, securities, certificates of deposit, or letters of 13448
credit upon depositing with the treasurer of state cash, other 13449
United States government securities, or other negotiable 13450
certificates of deposit or irrevocable letters of credit issued by 13451
any bank organized or transacting business in this state, equal in 13452
par value to the par value of the cash, securities, certificates 13453
of deposit, or letters of credit withdrawn. 13454

A bidder may demand and receive from the treasurer of state 13455
all interest or other income from any such securities or 13456
certificates as it becomes due. If securities so deposited with 13457
and in the possession of the treasurer of state mature or are 13458
called for payment by their issuer, the treasurer of state, at the 13459
request of the bidder who deposited them, shall convert the 13460
proceeds of the redemption or payment of the securities into other 13461
United States government securities, negotiable certificates of 13462
deposit, or cash as the bidder designates. 13463

When the chief finds that a person or governmental agency has 13464
failed to comply with the conditions of the person's or 13465
governmental agency's bond, the chief shall make a finding of that 13466
fact and declare the bond, cash, securities, certificates, or 13467
letters of credit forfeited. The chief thereupon shall certify the 13468
total forfeiture to the attorney general, who shall proceed to 13469
collect the amount of the bond, cash, securities, certificates, or 13470
letters of credit. 13471

In lieu of total forfeiture, the surety, at its option, may 13472
cause the timber sale to be completed or pay to the treasurer of 13473
state the cost thereof. 13474

All ~~moneys~~ money collected as a result of forfeitures of 13475
bonds, cash, securities, certificates, and letters of credit under 13476
this section shall be credited to the state forest fund created in 13477
this section. 13478

(C) The chief may grant easements and leases on portions of 13479
the state forest lands and state forest nurseries under terms that 13480
are advantageous to the state, and the chief may grant mineral 13481
rights on a royalty basis on those lands and nurseries, with the 13482
approval of the attorney general and the director. 13483

(D) All ~~moneys~~ money received from the sale of state forest 13484
lands, or in payment for easements or leases on or as rents from 13485
those lands or from state forest nurseries, shall be paid into the 13486
state treasury to the credit of the state forest fund, which is 13487
hereby created. In addition, all ~~moneys~~ money received from 13488
federal grants, payments, and reimbursements, from the sale of 13489
reforestation tree stock, from the sale of forest products, other 13490
than standing timber, and from the sale of minerals taken from the 13491
state forest lands and state forest nurseries, together with 13492
royalties from mineral rights, shall be paid into the state 13493
treasury to the credit of the state forest fund. Any other 13494
revenues derived from the operation of the state forests and 13495
related facilities or equipment also shall be paid into the state 13496
treasury to the credit of the state forest fund, as shall 13497
contributions received for the issuance of Smokey Bear license 13498
plates under section 4503.574 of the Revised Code and any other 13499
~~moneys~~ money required by law to be deposited in the fund. Any 13500
revenue generated from agreements entered into under section 13501
1503.271 of the Revised Code shall be deposited in the fund. 13502

The state forest fund shall not be expended for any purpose 13503
other than the administration, operation, maintenance, 13504
development, or utilization of the state forests, forest 13505
nurseries, and forest programs ~~;~~ i for facilities or equipment 13506
incident to them ~~;~~ i for the further purchase of lands for state 13507
forest or forest nursery purposes ~~;~~ i for wildfire suppression 13508
payments ~~and~~ ; for fire prevention purposes in the case of 13509
contributions received pursuant to section 4503.574 of the Revised 13510

Code, for fire prevention purposes; or for forest management 13511
projects associated with federal lands in the case of revenues 13512
received pursuant to agreements entered into under section 13513
1503.271 of the Revised Code. 13514

(E) All ~~moneys~~ money received from the sale of standing 13515
timber taken from state forest lands and state forest nurseries 13516
shall be deposited into the state treasury to the credit of the 13517
forestry holding account redistribution fund, which is hereby 13518
created. The ~~moneys~~ money shall remain in the fund until they are 13519
redistributed in accordance with this division. 13520

The redistribution shall occur at least once each year. To 13521
begin the redistribution, the chief first shall determine the 13522
amount of all standing timber sold from state forest lands and 13523
state forest nurseries, together with the amount of the total sale 13524
proceeds, in each county, in each township within the county, and 13525
in each school district within the county. The chief next shall 13526
determine the amount of the direct costs that the division of 13527
forestry incurred in association with the sale of that standing 13528
timber. The amount of the direct costs shall be subtracted from 13529
the amount of the total sale proceeds and shall be transferred 13530
from the forestry holding account redistribution fund to the state 13531
forest fund. 13532

The remaining amount of the total sale proceeds equals the 13533
net value of the standing timber that was sold. The chief shall 13534
determine the net value of standing timber sold from state forest 13535
lands and state forest nurseries in each county, in each township 13536
within the county, and in each school district within the county 13537
and shall send to each county treasurer a copy of the 13538
determination at the time that ~~moneys are~~ money is paid to the 13539
county treasurer under this division. 13540

Thirty-five per cent of the net value of standing timber sold 13541
from state forest lands and state forest nurseries located in a 13542

county shall be transferred from the forestry holding account 13543
redistribution fund to the state forest fund. The remaining 13544
sixty-five per cent of the net value shall be transferred from the 13545
forestry holding account redistribution fund and paid to the 13546
county treasurer for the use of the general fund of that county. 13547

The county auditor shall do all of the following: 13548

(1) Retain for the use of the general fund of the county 13549
one-fourth of the amount received by the county under division 13550
~~(D)~~(E) of this section; 13551

(2) Pay into the general fund of any township located within 13552
the county and containing such lands and nurseries one-fourth of 13553
the amount received by the county from standing timber sold from 13554
lands and nurseries located in the township; 13555

(3) Request the board of education of any school district 13556
located within the county and containing such lands and nurseries 13557
to identify which fund or funds of the district should receive the 13558
~~moneys~~ money available to the school district under division 13559
~~(D)~~~~(3)~~(E)(3) of this section. After receiving notice from the 13560
board, the county auditor shall pay into the fund or funds so 13561
identified one-half of the amount received by the county from 13562
standing timber sold from lands and nurseries located in the 13563
school district, distributed proportionately as identified by the 13564
board. 13565

The division of forestry shall not supply logs, lumber, or 13566
other forest products or minerals, taken from the state forest 13567
lands or state forest nurseries, to any other agency or 13568
subdivision of the state unless payment is made therefor in the 13569
amount of the actual prevailing value thereof. This section is 13570
applicable to the ~~moneys~~ money so received. 13571

~~(E)~~(F) The chief may enter into a personal service contract 13572
for consulting services to assist the chief with the sale of 13573

timber or other forest products and related inventory. 13574
Compensation for consulting services shall be paid from the 13575
proceeds of the sale of timber or other forest products and 13576
related inventory that are the subject of the personal service 13577
contract. 13578

Sec. 1503.141. (A) As used in this section, "firefighting 13579
agency" and "private fire company" have the same meanings as in 13580
section 9.60 of the Revised Code. 13581

(B) Each fiscal year, the director of natural resources or 13582
the director's designee shall designate not more than two hundred 13583
thousand dollars in the state forest fund created in section 13584
1503.05 of the Revised Code for wildfire suppression payments. The 13585
amount designated shall consist only of money credited to the fund 13586
from the sale of standing timber taken from state forest lands as 13587
set forth in that section. 13588

(C) The director or the director's designee may use money 13589
designated for wildfire suppression payments to reimburse 13590
firefighting agencies and private fire companies for their costs 13591
incurred in the suppression of wildfires in counties within fire 13592
protection areas established under section 1503.08 of the Revised 13593
Code where there is a state forest or national forest, or portion 13594
thereof. The director or the director's designee may provide such 13595
reimbursement in additional counties. The director or the 13596
director's designee shall provide such reimbursement pursuant to 13597
agreements and contracts entered into under section 1503.14 of the 13598
Revised Code and in accordance with the following schedule: 13599

~~(A)~~(1) For wildfire suppression on private land, an initial 13600
seventy-dollar payment to the firefighting agency or private fire 13601
company; 13602

~~(B)~~(2) For wildfire suppression on land under the 13603
administration or care of the department of natural resources or 13604

on land that is part of any national forest administered by the 13605
United States department of agriculture forest service, an initial 13606
one-hundred-dollar payment to the firefighting agency or private 13607
fire company; 13608

~~(C)(3)~~ For any wildfire suppression on land specified in 13609
division ~~(A)(C)(1)~~ or ~~(B)(2)~~ of this section lasting more than two 13610
hours, an additional payment of thirty-five dollars per hour. 13611

~~As used in this section, "firefighting agency" and "private~~ 13612
~~fire company" have the same meanings as in section 9.60 of the~~ 13613
~~Revised Code (D) For wildfire suppression, prescribed fire~~ 13614
~~assistance, or emergency response support to federal agencies, the~~ 13615
~~division may reimburse costs in addition to the amounts set forth~~ 13616
~~in division (C) of this section provided those costs are eligible~~ 13617
~~in accordance with an agreement under section 1503.27 of the~~ 13618
~~Revised Code.~~ 13619

Sec. 1503.271. The chief of the division of forestry may 13620
enter into agreements with the federal government under 16 U.S.C. 13621
2113a or other applicable federal statutes for the purpose of 13622
forest management projects, including timber sales. 13623

Sec. 1503.33. In order to further cooperation with other 13624
states and with federal agencies, the chief of the division of 13625
forestry, with the approval of the director of natural resources, 13626
may request assistance and aid from and may provide assistance and 13627
aid to other states, groups of states, and federal agencies in the 13628
protection of forests from forest fires and may enter into 13629
agreements for that purpose. Upon the request of another state, 13630
the chief may send to or receive from that state such personnel, 13631
equipment, and supplies as may be available and appropriate for 13632
use in accordance with the terms of the applicable agreement. 13633

Employees of ~~the division~~ this state serving outside the 13634

state under the terms of an agreement entered into under this 13635
section shall be considered as performing services within their 13636
regular employment for the purposes of compensation, pension or 13637
indemnity fund rights, workers' compensation, and other rights or 13638
benefits to which they may be entitled as incidents of their 13639
regular employment. Such employees retain personal immunity from 13640
civil liability as specified in section 9.86 of the Revised Code. 13641

Sec. 1505.09. (A) There is hereby created in the state 13642
treasury the geological mapping fund, to be administered by the 13643
chief of the division of geological survey. Except as provided in 13644
~~divisions~~ division (C) and ~~(D)~~ of this section, the fund shall be 13645
used for ~~both~~ any of the following purposes: 13646

(1) Performing the necessary field, laboratory, and 13647
administrative tasks to map and make public reports on the 13648
geology, geologic hazards, and energy and mineral resources of the 13649
state; 13650

(2) The administration of the oil and gas leasing commission 13651
created in section 1509.71 of the Revised Code; 13652

(3) To award grants to geology departments at state colleges 13653
and universities for undergraduate or graduate level research 13654
conducted at locations of geological interest in the state. The 13655
chief shall award grants at least annually, but at the chief's 13656
discretion, may award grants more frequently; 13657

(4) To provide materials such as rock and mineral kits to 13658
state elementary and secondary schools to assist students in the 13659
study of geology. 13660

(B) The sources of money for the fund shall include all of 13661
the following: 13662

(1) The mineral severance tax as specified in section 5749.02 13663
of the Revised Code; 13664

(2) Transfers made to the fund in accordance with section 6111.046 of the Revised Code;	13665 13666
(3) Contributions that a person pays to the bureau of motor vehicles to obtain "Ohio geology" license plates under section 4503.515 of the Revised Code;	13667 13668 13669
(4) The fees collected under rules adopted under section 1505.05 of the Revised Code.	13670 13671
The chief may seek federal or other money in addition to the mineral severance tax and fees to carry out the purposes of this section. If the chief receives federal money for the purposes of this section, the chief shall deposit that money into the state treasury to the credit of a fund created by the controlling board to carry out those purposes.	13672 13673 13674 13675 13676 13677
Other money received by the chief for the purposes of this section in addition to the mineral severance tax, fees, and federal money shall be credited to the geological mapping fund.	13678 13679 13680
(C) Any money transferred to the geological mapping fund in accordance with section 6111.046 of the Revised Code shall be used by the chiefs of the divisions of mineral resources management, oil and gas resources management, geological survey, and water resources in the department of natural resources for the purpose of executing their duties under sections 6111.043 to 6111.047 of the Revised Code.	13681 13682 13683 13684 13685 13686 13687
(D) The director of natural resources shall use contributions from "Ohio geology" license plates deposited into the fund for both of the following purposes in order of preference:	13688 13689 13690
(1) To award grants to geology departments at state colleges and universities for graduate level research conducted at locations of geological interest in the state;	13691 13692 13693
(2) To provide materials such as rock and mineral kits to	13694

~~state elementary and secondary schools to assist students in the study of geology.~~ 13695
13696

~~The director shall award grants at least annually, but at the director's discretion, may award grants more frequently.~~ 13697
13698

Sec. 1509.12. (A) ~~(1)~~ No ~~owner of any well~~ person shall 13699
construct or operate a well, ~~or permit defective casing in a well~~ 13700
~~to leak fluids or gases~~, that causes damage to other permeable 13701
strata, underground sources of drinking water, or the surface of 13702
the land or that threatens the public health and safety or the 13703
environment. ~~Upon~~ 13704

(2) No owner of a well shall permit defective casing in a well to leak fluids or gases. 13705
13706

(3) Upon the discovery that the casing in a well is defective 13707
or that a well was not adequately constructed, the person that 13708
constructed the well or owner of the well shall notify the chief 13709
of the division of oil and gas resources management within 13710
twenty-four hours of the discovery, and ~~the owner~~ shall 13711
immediately repair the casing, correct the construction 13712
inadequacies, or plug and abandon the well. 13713

(B) When the chief finds that a well should be plugged, the 13714
chief shall notify the person that constructed the well or owner 13715
of the well to that effect by order in writing and shall specify 13716
in the order a reasonable time within which to comply. No ~~owner~~ 13717
person shall fail or refuse to plug a well within the time 13718
specified in the order. Each day on which such a well remains 13719
unplugged thereafter constitutes a separate offense. 13720

Where the plugging method prescribed by rules adopted 13721
pursuant to section 1509.15 of the Revised Code cannot be applied 13722
or if applied would be ineffective in carrying out the protection 13723
that the law is meant to give, the chief may designate a different 13724

method of plugging. The abandonment report shall show the manner 13725
in which the well was plugged. 13726

(C) In case of oil or gas wells abandoned prior to September 13727
1, 1978, the board of county commissioners of the county in which 13728
the wells are located may submit to the electors of the county the 13729
question of establishing a special fund, by general levy, by 13730
general bond issue, or out of current funds, which shall be 13731
approved by a majority of the electors voting upon that question 13732
for the purpose of plugging the wells. The fund shall be 13733
administered by the board and the plugging of oil and gas wells 13734
shall be under the supervision of the chief, and the board shall 13735
let contracts for that purpose, provided that the fund shall not 13736
be used for the purpose of plugging oil and gas wells that were 13737
abandoned subsequent to September 1, 1978. 13738

Sec. 1509.13. (A) ~~No~~ (1) Except as otherwise provided in 13739
division (A)(2) of this section and division (E)(1) of section 13740
1509.071 of the Revised Code, no person shall plug and abandon a 13741
well without having a permit to do so issued by the chief of the 13742
division of oil and gas resources management. The permit shall be 13743
issued by the chief in accordance with this chapter and shall be 13744
valid for a period of twenty-four months from the date of issue. 13745

(2) The holder of a valid permit issued under section 1509.06 13746
of the Revised Code may receive approval from an oil and gas 13747
resources inspector to plug and abandon the well associated with 13748
that permit, without obtaining the permit required under division 13749
(A) of this section, if either of the following apply: 13750

(a) The well was drilled to total depth and the well cannot 13751
or will not be completed. 13752

(b) The well is a lost hole or dry hole. 13753

(3) A permit holder plugging a well pursuant to division 13754

(A)(2)(a) of this section shall plug the well within thirty days 13755
of receipt of approval from the oil and gas resources inspector. 13756

(4) A permit holder plugging a well pursuant to division 13757
(A)(2)(b) of this section shall plug the well immediately after 13758
determining that the well is a lost hole or dry hole in accordance 13759
with rules adopted under this chapter. 13760

~~(B) Application by the owner~~ The application for a permit to 13761
plug and abandon shall be filed as many days in advance as will be 13762
necessary for an oil and gas resources inspector or, if the well 13763
is located in a coal bearing township, both a deputy mine 13764
inspector and an oil and gas resources inspector to be present at 13765
the plugging. The application shall be filed with the chief upon a 13766
form that the chief prescribes and shall contain the following 13767
information: 13768

(1) The name and address of the ~~owner~~ applicant; 13769

(2) The signature of the ~~owner~~ applicant or the ~~owner's~~ 13770
applicant's authorized agent. When an authorized agent signs an 13771
application, it shall be accompanied by a certified copy of the 13772
appointment as that agent. 13773

(3) The location of the well identified by section or lot 13774
number, city, village, township, and county; 13775

(4) Designation of well by name and number; 13776

(5) The total depth of the well to be plugged; 13777

(6) The date and amount of last production from the well; 13778

(7) Other ~~data~~ information that the chief may require. 13779

(C) Except as otherwise provided in division (E)(2)(a) of 13780
section 1509.071 of the Revised Code, ~~if oil or gas has been~~ 13781
~~produced from the well,~~ the application shall be accompanied by a 13782
nonrefundable fee of two hundred fifty dollars. ~~If a well has been~~ 13783
~~drilled in accordance with law and the permit is still valid, the~~ 13784

~~permit holder may receive approval to plug the well from an oil and gas resources inspector so that the well can be plugged and abandoned without undue delay.~~ Unless waived by an oil and gas resources inspector, the owner of a well or the owner's authorized representative shall notify an oil and gas resources inspector at least twenty-four hours prior to the commencement of the plugging of a well. No well shall be plugged and abandoned without an oil and gas resources inspector present unless permission has been granted by the chief. The owner of a well that has produced oil or gas shall give written notice at the same time to the owner of the land upon which the well is located and to all lessors that receive gas from the well pursuant to ~~a lease~~ an agreement. If the well penetrates or passes within one hundred feet of the excavations and workings of a mine, the owner of the well shall give written notice to the owner or lessee of that mine, ~~of the well owner's~~ intention to abandon the well and of the time when the ~~well~~ owner of the well will be prepared to commence plugging it.

(D) An applicant may file a request with the chief for expedited review of an application for a permit to plug and abandon a well. The chief may refuse to accept a request for expedited review if, in the chief's judgment, acceptance of the request will prevent the issuance, within twenty-one days of filing, of permits for which applications filed under section 1509.06 of the Revised Code are pending. In addition to a complete application for a permit that meets the requirements of this section and the permit fee prescribed by this section, if applicable, a request shall be accompanied by a nonrefundable filing fee of five hundred dollars unless the chief has ordered the applicant to plug and abandon the well. When a request for expedited review is filed, the chief shall immediately begin to process the application and shall issue a permit within seven days of the filing of the request unless the chief, by order, denies

the application. 13818

(E) This (1) Except as otherwise provided in division (E)(2) 13819
of this section, any person undertaking the plugging of a well for 13820
which a permit has been issued under this section shall obtain 13821
insurance for bodily injury coverage and property damage coverage 13822
in the amount established under section 1509.07 of the Revised 13823
Code to pay for damages or injury to property or person, including 13824
damages caused by the plugging of the well. The person shall 13825
electronically submit proof of insurance to the chief upon the 13826
chief's request. 13827

(2) Division (E)(1) of this section does not apply to a 13828
person already required to maintain an insurance policy under 13829
section 1509.07 of the Revised Code. 13830

(F) This section does not apply to a well plugged or 13831
abandoned in compliance with section 1571.05 of the Revised Code. 13832

Sec. 1513.08. (A) After a coal mining and reclamation permit 13833
application has been approved, the applicant shall file with the 13834
chief of the division of mineral resources management, on a form 13835
prescribed and furnished by the chief, the performance security 13836
required under this section that shall be payable to the state and 13837
conditioned on the faithful performance of all the requirements of 13838
this chapter and rules adopted under it and the terms and 13839
conditions of the permit. 13840

(B) Using the information contained in the permit 13841
application; the requirements contained in the approved permit and 13842
reclamation plan; and, after considering the topography, geology, 13843
hydrology, and revegetation potential of the area of the approved 13844
permit, the probable difficulty of reclamation; the chief shall 13845
determine the estimated cost of reclamation under the initial term 13846
of the permit if the reclamation has to be performed by the 13847
division of mineral resources management in the event of 13848

forfeiture of the performance security by the applicant. The chief 13849
shall send written notice of the amount of the estimated cost of 13850
reclamation by certified mail to the applicant. The applicant 13851
shall send written notice to the chief indicating the method by 13852
which the applicant will provide the performance security pursuant 13853
to division (C) of this section. 13854

(C) The applicant shall provide the performance security in 13855
an amount using one of the following: 13856

(1) If the applicant elects to provide performance security 13857
without reliance on the reclamation forfeiture fund created in 13858
section 1513.18 of the Revised Code, the amount of the estimated 13859
cost of reclamation as determined by the chief under division (B) 13860
of this section for the increments of land on which the operator 13861
will conduct a coal mining and reclamation operation under the 13862
initial term of the permit as indicated in the application; 13863

(2) If the applicant elects to provide performance security 13864
together with reliance on the reclamation forfeiture fund through 13865
payment of the additional tax on the severance of coal that is 13866
levied under division (A)(8) of section 5749.02 of the Revised 13867
Code, an amount of twenty-five hundred dollars per acre of land on 13868
which the operator will conduct coal mining and reclamation under 13869
the initial term of the permit as indicated in the application. 13870
~~However, in~~ In order for an applicant to be eligible to provide 13871
performance security in accordance with division (C)(2) of this 13872
section, the applicant, an owner and controller of the applicant, 13873
or an affiliate of the applicant shall have held a permit issued 13874
under this chapter for any coal mining and reclamation operation 13875
for a period of not less than five years. ~~It~~ 13876

If a permit is transferred, assigned, or sold, the transferee 13877
is not eligible to provide performance security under division 13878
(C)(2) of this section if the transferee has not held a permit 13879
issued under this chapter for any coal mining and reclamation 13880

operation for a period of not less than five years. This 13881
restriction applies even if the status or name of the permittee 13882
otherwise remains the same after the transfer, assignment, or 13883
sale. 13884

In the event of forfeiture of performance security that was 13885
provided in accordance with division (C)(2) of this section, the 13886
difference between the amount of that performance security and the 13887
estimated cost of reclamation as determined by the chief under 13888
division (B) of this section shall be obtained from money in the 13889
reclamation forfeiture fund as needed to complete the reclamation. 13890

The performance security provided under division (C) of this 13891
section for the entire area to be mined under one permit issued 13892
under this chapter shall not be less than ten thousand dollars. 13893

The performance security shall cover areas of land affected 13894
by mining within or immediately adjacent to the permitted area, so 13895
long as the total number of acres does not exceed the number of 13896
acres for which the performance security is provided. However, the 13897
authority for the performance security to cover areas of land 13898
immediately adjacent to the permitted area does not authorize a 13899
permittee to mine areas outside an approved permit area. As 13900
succeeding increments of coal mining and reclamation operations 13901
are to be initiated and conducted within the permit area, the 13902
permittee shall file with the chief additional performance 13903
security to cover the increments in accordance with this section. 13904
If a permittee intends to mine areas outside the approved permit 13905
area, the permittee shall provide additional performance security 13906
in accordance with this section to cover the areas to be mined. 13907

If an applicant or permittee ~~has is not held a permit issued~~ 13908
~~under this chapter for any coal mining and reclamation operation~~ 13909
~~for a period of five years or more~~ eligible to provide performance 13910
security in accordance with division (C)(2) of this section, the 13911
applicant or permittee shall provide performance security in 13912

accordance with division (C)(1) of this section in the full amount 13913
of the estimated cost of reclamation as determined by the chief 13914
for a permitted coal preparation plant or coal refuse disposal 13915
area that is not located within a permitted area of a mine. If an 13916
applicant for a permit for a coal preparation plant or coal refuse 13917
disposal area or a permittee of a permitted coal preparation plant 13918
or coal refuse disposal area that is not located within a 13919
permitted area of a mine has held a permit issued under this 13920
chapter for any coal mining and reclamation operation for a period 13921
of five years or more, the applicant or permittee may provide 13922
performance security for the coal preparation plant or coal refuse 13923
disposal area either in accordance with division (C)(1) of this 13924
section in the full amount of the estimated cost of reclamation as 13925
determined by the chief or in accordance with division (C)(2) of 13926
this section in an amount of twenty-five hundred dollars per acre 13927
of land with reliance on the reclamation forfeiture fund. If a 13928
permittee has previously provided performance security under 13929
division (C)(1) of this section for a coal preparation plant or 13930
coal refuse disposal area that is not located within a permitted 13931
area of a mine and elects to provide performance security in 13932
accordance with division (C)(2) of this section, the permittee 13933
shall submit written notice to the chief indicating that the 13934
permittee elects to provide performance security in accordance 13935
with division (C)(2) of this section. Upon receipt of such a 13936
written notice, the chief shall release to the permittee the 13937
amount of the performance security previously provided under 13938
division (C)(1) of this section that exceeds the amount of 13939
performance security that is required to be provided under 13940
division (C)(2) of this section. 13941

(D) A permittee's liability under the performance security 13942
shall be limited to the obligations established under the permit, 13943
which include completion of the reclamation plan in order to make 13944
the land capable of supporting the postmining land use that was 13945

approved in the permit. The period of liability under the 13946
performance security shall be for the duration of the coal mining 13947
and reclamation operation and for a period coincident with the 13948
operator's responsibility for revegetation requirements under 13949
section 1513.16 of the Revised Code. 13950

(E) The amount of the estimated cost of reclamation 13951
determined under division (B) of this section and the amount of a 13952
permittee's performance security provided in accordance with 13953
division (C)(1) of this section shall be adjusted by the chief as 13954
the land that is affected by mining increases or decreases or if 13955
the cost of reclamation increases or decreases. If the performance 13956
security was provided in accordance with division (C)(2) of this 13957
section and the chief has issued a cessation order under division 13958
(D)(2) of section 1513.02 of the Revised Code for failure to abate 13959
a violation of the contemporaneous reclamation requirement under 13960
division (A)(15) of section 1513.16 of the Revised Code, the chief 13961
may require the permittee to increase the amount of performance 13962
security from twenty-five hundred dollars per acre of land to five 13963
thousand dollars per acre of land. 13964

The chief shall notify the permittee, each surety, and any 13965
person who has a property interest in the performance security and 13966
who has requested to be notified of any proposed adjustment to the 13967
performance security. The permittee may request an informal 13968
conference with the chief concerning the proposed adjustment, and 13969
the chief shall provide such an informal conference. 13970

If the chief increases the amount of performance security 13971
under this division, the permittee shall provide additional 13972
performance security in an amount determined by the chief. If the 13973
chief decreases the amount of performance security under this 13974
division, the chief shall determine the amount of the reduction of 13975
the performance security and send written notice of the amount of 13976
reduction to the permittee. The permittee may reduce the amount of 13977

the performance security in the amount determined by the chief. 13978

(F) A permittee may request a reduction in the amount of the 13979
performance security by submitting to the chief documentation 13980
proving that the amount of the performance security provided by 13981
the permittee exceeds the estimated cost of reclamation if the 13982
reclamation would have to be performed by the division in the 13983
event of forfeiture of the performance security. The chief shall 13984
examine the documentation and determine whether the permittee's 13985
performance security exceeds the estimated cost of reclamation. If 13986
the chief determines that the performance security exceeds that 13987
estimated cost, the chief shall determine the amount of the 13988
reduction of the performance security and send written notice of 13989
the amount to the permittee. The permittee may reduce the amount 13990
of the performance security in the amount determined by the chief. 13991
Adjustments in the amount of performance security under this 13992
division shall not be considered release of performance security 13993
and are not subject to section 1513.16 of the Revised Code. 13994

(G) If the performance security is a bond, it shall be 13995
executed by the operator and a corporate surety licensed to do 13996
business in this state. If the performance security is a cash 13997
deposit or negotiable certificates of deposit of a bank or savings 13998
and loan association, the bank or savings and loan association 13999
shall be licensed and operating in this state. The cash deposit or 14000
market value of the securities shall be equal to or greater than 14001
the amount of the performance security required under this 14002
section. The chief shall review any documents pertaining to the 14003
performance security and approve or disapprove the documents. The 14004
chief shall notify the applicant of the chief's determination. 14005

(H) If the performance security is a bond, the chief may 14006
accept the bond of the applicant itself without separate surety 14007
when the applicant demonstrates to the satisfaction of the chief 14008
the existence of a suitable agent to receive service of process 14009

and a history of financial solvency and continuous operation 14010
sufficient for authorization to self-insure or bond the amount. 14011

(I) Performance security provided under this section may be 14012
held in trust, provided that the state is the primary beneficiary 14013
of the trust and the custodian of the performance security held in 14014
trust is a bank, trust company, or other financial institution 14015
that is licensed and operating in this state. The chief shall 14016
review the trust document and approve or disapprove the document. 14017
The chief shall notify the applicant of the chief's determination. 14018

(J) If a surety, bank, savings and loan association, trust 14019
company, or other financial institution that holds the performance 14020
security required under this section becomes insolvent, the 14021
permittee shall notify the chief of the insolvency, and the chief 14022
shall order the permittee to submit a plan for replacement 14023
performance security within thirty days after receipt of notice 14024
from the chief. If the permittee provided performance security in 14025
accordance with division (C)(1) of this section, the permittee 14026
shall provide the replacement performance security within ninety 14027
days after receipt of notice from the chief. If the permittee 14028
provided performance security in accordance with division (C)(2) 14029
of this section, the permittee shall provide the replacement 14030
performance security within one year after receipt of notice from 14031
the chief, and, for a period of one year after the permittee's 14032
receipt of notice from the chief or until the permittee provides 14033
the replacement performance security, whichever occurs first, 14034
money in the reclamation forfeiture fund shall be the permittee's 14035
replacement performance security in an amount not to exceed the 14036
estimated cost of reclamation as determined by the chief. 14037

(K) If a permittee provided performance security in 14038
accordance with division (C)(1) of this section, the permittee's 14039
responsibility for repairing material damage and replacement of 14040
water supply resulting from subsidence shall be satisfied by 14041

either of the following: 14042

(1) The purchase prior to mining of a noncancelable 14043
premium-prepaid liability insurance policy in lieu of the 14044
permittee's performance security for subsidence damage. The 14045
insurance policy shall contain terms and conditions that 14046
specifically provide coverage for repairing material damage and 14047
replacement of water supply resulting from subsidence. 14048

(2) The provision of additional performance security in the 14049
amount of the estimated cost to the division of mineral resources 14050
management to repair material damage and replace water supplies 14051
resulting from subsidence until the repair or replacement is 14052
completed. However, if such repair or replacement is completed, or 14053
compensation for structures that have been damaged by subsidence 14054
is provided, by the permittee within ninety days of the occurrence 14055
of the subsidence, additional performance security is not 14056
required. In addition, the chief may extend the ninety-day period 14057
for a period not to exceed one year if the chief determines that 14058
the permittee has demonstrated in writing that subsidence is not 14059
complete and that probable subsidence-related damage likely will 14060
occur and, as a result, the completion of repairs of 14061
subsidence-related material damage to lands or protected 14062
structures or the replacement of water supply within ninety days 14063
of the occurrence of the subsidence would be unreasonable. 14064

(L) If the performance security provided in accordance with 14065
this section exceeds the estimated cost of reclamation, the chief 14066
may authorize the amount of the performance security that exceeds 14067
the estimated cost of reclamation together with any interest or 14068
other earnings on the performance security to be paid to the 14069
permittee. 14070

(M) A permittee that held a valid coal mining and reclamation 14071
permit immediately prior to April 6, 2007, shall provide, not 14072
later than a date established by the chief, performance security 14073

in accordance with division (C)(1) or (2) of this section, rather 14074
than in accordance with the law as it existed prior to that date, 14075
by filing it with the chief on a form that the chief prescribes 14076
and furnishes. Accordingly, for purposes of this section, 14077
"applicant" is deemed to include such a permittee. 14078

(N) As used in this section: 14079

(1) "Affiliate of the applicant" means an entity that has a 14080
parent entity in common with the applicant. 14081

(2) "Owner and controller of the applicant" means a person 14082
that has any relationship with the applicant that gives the person 14083
authority to determine directly or indirectly the manner in which 14084
the applicant conducts coal mining operations. 14085

Sec. 1521.06. (A) No dam may be constructed for the purpose 14086
of storing, conserving, or retarding water, or for any other 14087
purpose, nor shall any levee be constructed for the purpose of 14088
diverting or retaining flood water, unless the person or 14089
governmental agency desiring the construction has a construction 14090
permit for the dam or levee issued by the chief of the division of 14091
water resources. 14092

A construction permit is not required under this section for: 14093

(1) A dam that is or will be less than ten feet in height and 14094
that has or will have a storage capacity of not more than fifty 14095
acre-feet at the elevation of the top of the dam, as determined by 14096
the chief. For the purposes of this section, the height of a dam 14097
shall be measured from the natural stream bed or lowest ground 14098
elevation at the downstream or outside limit of the dam to the 14099
elevation of the top of the dam. 14100

(2) A dam, regardless of height, that has or will have a 14101
storage capacity of not more than fifteen acre-feet at the 14102
elevation of the top of the dam, as determined by the chief; 14103

(3) A dam, regardless of storage capacity, that is or will be	14104
six feet or less in height, as determined by the chief;	14105
(4) A dam or levee that belongs to a class exempted by the	14106
chief;	14107
(5) The repair, maintenance, improvement, alteration, or	14108
removal of a dam or levee that is subject to section 1521.062 of	14109
the Revised Code, unless the construction constitutes an	14110
enlargement or reconstruction of the structure as determined by	14111
the chief;	14112
(6) A dam or impoundment constructed under Chapter 1513. of	14113
the Revised Code.	14114
(B) Before a construction permit may be issued, three copies	14115
of the plans and specifications, including a detailed cost	14116
estimate, for the proposed construction, prepared by a registered	14117
professional engineer, together with any filing fee specified by	14118
rules adopted by the chief in accordance with division (I) of this	14119
section and the bond or other security required by section	14120
1521.061 of the Revised Code, shall be filed with the chief. The	14121
detailed estimate of the cost shall include all costs associated	14122
with the construction of the dam or levee, including supervision	14123
and inspection of the construction by a registered professional	14124
engineer.	14125
All fees collected pursuant to this section, and all fines	14126
collected pursuant to section 1521.99 of the Revised Code, shall	14127
be deposited in the state treasury to the credit of the dam safety	14128
fund, which is hereby created. Expenditures from the fund shall be	14129
made by the chief for the purpose of administering this section	14130
and sections 1521.061 and 1521.062 of the Revised Code.	14131
(C) The chief shall, within thirty days from the date of the	14132
receipt of the application, fee, and bond or other security, issue	14133
or deny a construction permit for the construction or may issue a	14134

construction permit conditioned upon the making of such changes in 14135
the plans and specifications for the construction as the chief 14136
considers advisable if the chief determines that the construction 14137
of the proposed dam or levee, in accordance with the plans and 14138
specifications filed, would endanger life, health, or property. 14139

(D) The chief may deny a construction permit after finding 14140
that a dam or levee built in accordance with the plans and 14141
specifications would endanger life, health, or property, because 14142
of improper or inadequate design, or for such other reasons as the 14143
chief may determine. 14144

In the event the chief denies a permit for the construction 14145
of the dam or levee, or issues a permit conditioned upon a making 14146
of changes in the plans or specifications for the construction, 14147
the chief shall state the reasons therefor and so notify, in 14148
writing, the person or governmental agency making the application 14149
for a permit. If the permit is denied, the chief shall return the 14150
bond or other security to the person or governmental agency making 14151
application for the permit. 14152

The decision of the chief conditioning or denying a 14153
construction permit is subject to appeal as provided in Chapter 14154
119. of the Revised Code. A dam or levee built substantially at 14155
variance from the plans and specifications upon which a 14156
construction permit was issued is in violation of this section. 14157
The chief may at any time inspect any dam or levee, or site upon 14158
which any dam or levee is to be constructed, in order to determine 14159
whether it complies with this section. 14160

(E) A registered professional engineer shall inspect the 14161
construction for which the permit was issued during all phases of 14162
construction and shall furnish to the chief such regular reports 14163
of the engineer's inspections as the chief may require. When the 14164
chief finds that construction has been fully completed in 14165
accordance with the terms of the permit and the plans and 14166

specifications approved by the chief, the chief shall approve the 14167
construction. When one year has elapsed after approval of the 14168
completed construction, and the chief finds that within this 14169
period no fact has become apparent to indicate that the 14170
construction was not performed in accordance with the terms of the 14171
permit and the plans and specifications approved by the chief, or 14172
that the construction as performed would endanger life, health, or 14173
property, the chief shall release the bond or other security. No 14174
bond or other security shall be released until one year after 14175
final approval by the chief, unless the dam or levee has been 14176
modified so that it will not retain water and has been approved as 14177
nonhazardous after determination by the chief that the dam or 14178
levee as modified will not endanger life, health, or property. 14179

(F) When inspections required by this section are not being 14180
performed, the chief shall notify the person or governmental 14181
agency to which the permit has been issued that inspections are 14182
not being performed by the registered professional engineer and 14183
that the chief will inspect the remainder of the construction. 14184
Thereafter, the chief shall inspect the construction and the cost 14185
of inspection shall be charged against the owner. Failure of the 14186
registered professional engineer to submit required inspection 14187
reports shall be deemed notice that the engineer's inspections are 14188
not being performed. 14189

(G) The chief may order construction to cease on any dam or 14190
levee that is being built in violation of this section, and may 14191
prohibit the retention of water behind any dam or levee that has 14192
been built in violation of this section. 14193

(H) The chief may adopt rules in accordance with Chapter 119. 14194
of the Revised Code, for the design and construction of dams and 14195
levees for which a construction permit is required by this section 14196
or for which periodic inspection is required by section 1521.062 14197
of the Revised Code, for deposit and forfeiture of bonds and other 14198

securities required by section 1521.061 of the Revised Code, for 14199
the periodic inspection, operation, repair, improvement, 14200
alteration, or removal of all dams and levees, as specified in 14201
section 1521.062 of the Revised Code, and for establishing classes 14202
of dams or levees that are exempt from the requirements of this 14203
section and section 1521.062 of the Revised Code as being of a 14204
size, purpose, or situation that does not present a substantial 14205
hazard to life, health, or property. The chief may, by rule, limit 14206
the period during which a construction permit issued under this 14207
section is valid. The rules may allow for the extension of the 14208
period during which a permit is valid upon written request, 14209
provided that the written request includes a revised construction 14210
cost estimate, and may require the payment of an additional filing 14211
fee for the requested extension. If a construction permit expires 14212
without an extension before construction is completed, the person 14213
or agency shall apply for a new permit, and shall not continue 14214
construction until the new permit is issued. 14215

(I) The chief shall adopt rules in accordance with Chapter 14216
119. of the Revised Code establishing a filing fee schedule for 14217
purposes of division (B) of this section. 14218

Sec. 1521.061. (A)(1) Except as otherwise provided in this 14219
section, the chief of the division of water resources shall not 14220
issue a construction permit ~~shall not be issued~~ under section 14221
1521.06 of the Revised Code unless the person or governmental 14222
agency applying for the permit executes and files a surety bond 14223
conditioned on completion of the dam or levee in accordance with 14224
the terms of the permit and the plans and specifications approved 14225
by the chief ~~of the division of water resources, in an amount~~ 14226
~~equal to fifty per cent of the estimated cost of the project.~~ 14227
Except as provided in division (A)(2) of this section, the surety 14228
bond shall equal: 14229

(a) \$50,000 for the first \$500,000 of the estimated cost of 14230
the project; plus 14231

(b) Twenty-five per cent of the estimated cost for the next 14232
\$4,500,000 of the estimated cost of the project; plus 14233

(c) Ten per cent of the estimated cost that exceeds 14234
\$5,000,000. 14235

(2) The chief may reduce the amount of the required surety 14236
bond to the amount equal to the cost estimate of construction 14237
activities necessary to render the dam nonhazardous if the cost 14238
estimate is provided by the applicant and approved by the chief. 14239

(B) If a permittee requests an extension of the time period 14240
during which a construction permit is valid in accordance with 14241
rules adopted under section 1521.06 of the Revised Code, the chief 14242
shall determine whether the revised construction cost estimate 14243
provided with the request exceeds the original construction cost 14244
estimate that was filed with the chief by more than twenty-five 14245
per cent. If the revised construction cost estimate exceeds the 14246
original construction cost estimate by more than twenty-five per 14247
cent, the chief may require an additional surety bond to be filed 14248
~~so that the total amount of the surety bonds equals at least fifty~~ 14249
~~per cent of~~ in an amount determined in accordance with division 14250
(A) of this section based on the revised construction cost 14251
estimate. 14252

(C) The chief shall not approve any bond until it is 14253
personally signed and acknowledged by both principal and surety, 14254
or as to either by the attorney in fact thereof, with a certified 14255
copy of the power of attorney attached. The chief shall not 14256
approve the bond unless there is attached a certificate of the 14257
superintendent of insurance that the company is authorized to 14258
transact a fidelity and surety business in this state. 14259

All bonds shall be given in a form prescribed by the chief 14260

and shall run to the state as obligee. 14261

(D)(1) The applicant may deposit, in lieu of a bond, cash in 14262
an amount equal to the amount of the bond or United States 14263
government securities or negotiable certificates of deposit issued 14264
by any bank organized or transacting business in this state having 14265
a par value equal to or greater than the amount of the bond. Such 14266
cash or securities shall be deposited upon the same terms as 14267
bonds. If one or more certificates of deposit are deposited in 14268
lieu of a bond, the chief shall require the bank that issued any 14269
such certificate to pledge securities of the aggregate market 14270
value equal to the amount of the certificate that is in excess of 14271
the amount insured by the federal deposit insurance corporation. 14272
The securities to be pledged shall be those designated as eligible 14273
under section 135.18 of the Revised Code. The securities shall be 14274
security for the repayment of the certificate of deposit. 14275

(2) Immediately upon a deposit of cash, securities, or 14276
certificates of deposit, the chief shall deliver them to the 14277
treasurer of state, who shall hold them in trust for the purposes 14278
for which they have been deposited. The treasurer of state is 14279
responsible for the safekeeping of such deposits. An applicant 14280
making a deposit of cash, securities, or certificates of deposit 14281
may withdraw and receive from the treasurer of state, on the 14282
written order of the chief, all or any portion of the cash, 14283
securities, or certificates of deposit, upon depositing with the 14284
treasurer of state cash, other United States government 14285
securities, or negotiable certificates of deposit issued by any 14286
bank organized or transacting business in this state equal in par 14287
value to the par value of the cash, securities, or certificates of 14288
deposit withdrawn. An applicant may demand and receive from the 14289
treasurer of state all interest or other income from any such 14290
securities or certificates as it becomes due. If securities so 14291
deposited with and in the possession of the treasurer of state 14292

mature or are called for payment by the issuer thereof, the 14293
treasurer of state, at the request of the applicant who deposited 14294
them, shall convert the proceeds of the redemption or payment of 14295
the securities into such other United States government 14296
securities, negotiable certificates of deposit issued by any bank 14297
organized or transacting business in this state, or cash as the 14298
applicant designates. 14299

(E)(1) When the chief finds that a person or governmental 14300
agency has failed to comply with the conditions of the person's or 14301
agency's bond, the chief shall make a finding of that fact and 14302
declare the bond, cash, securities, or certificates of deposit 14303
forfeited in the amount set by rule of the chief. The chief shall 14304
thereupon certify the total forfeiture to the attorney general, 14305
who shall proceed to collect that amount. 14306

(2) In lieu of total forfeiture, the surety, at its option, 14307
may cause the dam or levee to be completed as required by section 14308
1521.06 of the Revised Code and rules of the chief, or otherwise 14309
rendered nonhazardous, or pay to the treasurer of state the cost 14310
thereof. 14311

(F)(1) All moneys collected on account of forfeitures of 14312
bonds, cash, securities, and certificates of deposit under this 14313
section shall be credited to the dam safety fund created in 14314
section 1521.06 of the Revised Code. The chief shall make 14315
expenditures from the fund to complete dams and levees for which 14316
bonds have been forfeited or to otherwise render them 14317
nonhazardous. 14318

(2) Expenditures from the fund for those purposes shall be 14319
made pursuant to contracts entered into by the chief with persons 14320
who agree to furnish all of the materials, equipment, work, and 14321
labor as specified and provided in the contract. 14322

(G) A surety bond shall not be required for a permit for a 14323

dam or levee that is to be designed and constructed by an agency 14324
of the United States government, if the agency files with the 14325
chief written assurance of the agency's financial responsibility 14326
for the structure ~~during the one-year period~~ for one year 14327
following the chief's approval of the completed construction 14328
provided for under division (E) of section 1521.06 of the Revised 14329
Code. 14330

Sec. 1521.40. (A) No person shall violate any provision of 14331
this chapter, any rule or order adopted or issued under it, or any 14332
term or condition of a permit issued under it. 14333

(B) The attorney general, upon written request of the chief 14334
of the division of water resources, shall bring an action for an 14335
injunction or other appropriate legal or equitable action against 14336
any person who has violated, is violating, or is threatening to 14337
violate any provision of this chapter, any rule or order adopted 14338
or issued under it, or any term or condition of a permit issued 14339
under it. 14340

(C) A person who violates any provision of this chapter, any 14341
rule or order adopted or issued under it, or any term or condition 14342
of a permit issued under it is liable to the chief for any costs 14343
incurred by the division of water resources in investigating, 14344
mitigating, minimizing, removing, or abating the violation and 14345
conditions caused by it. The chief also may assess a civil penalty 14346
of not more than five thousand dollars per day for each day a 14347
violation occurs of any provision of this chapter, any rule or 14348
order adopted or issued under it, or any term or condition of a 14349
permit issued under it. 14350

(D) Upon the request of the chief, the attorney general shall 14351
bring a civil action against the responsible person to recover 14352
those costs and civil penalties in the court of common pleas of 14353
Franklin county. ~~Moneys~~ Money recovered under this division for 14354

violations of sections 1521.06 to 1521.063 of the Revised Code, 14355
any rule or order adopted or issued under those sections, or any 14356
term or condition of a permit issued under those sections shall be 14357
deposited in the state treasury to the credit of the dam safety 14358
fund created in section 1521.06 of the Revised Code. Money 14359
recovered under this division for violations of sections 1521.16 14360
and 1521.22 to 1521.35 of the Revised Code, any rule or order 14361
adopted or issued under those sections, or any term or condition 14362
of a permit issued under those sections shall be deposited in the 14363
state treasury to the credit of the water management fund created 14364
in section 1521.22 of the Revised Code. 14365

Sec. 1521.99. (A) Whoever violates division (E)(1) of section 14366
1521.05 or division (E)(1) of section 1521.16 of the Revised Code 14367
is guilty of a misdemeanor of the fourth degree. All fines 14368
collected pursuant to this division shall be deposited in the 14369
state treasury to the credit of the water management fund created 14370
in section 1521.22 of the Revised Code. 14371

(B) Whoever violates section 1521.06 or 1521.062 of the 14372
Revised Code shall be fined not less than one hundred dollars nor 14373
more than one thousand dollars for each offense. Each day of 14374
violation constitutes a separate offense. All fines collected 14375
pursuant to this division shall be deposited in the state treasury 14376
to the credit of the dam safety fund created in section 1521.06 of 14377
the Revised Code. 14378

(C) Whoever violates section 1521.22 of the Revised Code or 14379
the terms or conditions of a permit issued under that section 14380
shall be fined not more than ten thousand dollars for each day of 14381
violation. All fines collected pursuant to this division shall be 14382
deposited in the state treasury to the credit of the water 14383
management fund created in section 1521.22 of the Revised Code. 14384

(D) Whoever violates section 1521.23 of the Revised Code or 14385

the terms or conditions of a permit issued under section 1521.29 14386
of the Revised Code is guilty of a misdemeanor of the fourth 14387
degree. All fines collected pursuant to this division shall be 14388
deposited in the state treasury to the credit of the water 14389
management fund created in section 1521.22 of the Revised Code. 14390

Sec. 1531.01. As used in this chapter and Chapter 1533. of 14391
the Revised Code: 14392

(A) "Person" means a person as defined in section 1.59 of the 14393
Revised Code or a company; an employee, agent, or officer of such 14394
a person or company; a combination of individuals; the state; a 14395
political subdivision of the state; an interstate body created by 14396
a compact; or the federal government or a department, agency, or 14397
instrumentality of it. 14398

(B) "Resident" means any individual who has resided in this 14399
state for not less than six months preceding the date of making 14400
application for a license or permit. 14401

(C) "Nonresident" means any individual who does not qualify 14402
as a resident. 14403

(D) "Division rule" or "rule" means any rule adopted by the 14404
chief of the division of wildlife under section 1531.10 of the 14405
Revised Code unless the context indicates otherwise. 14406

(E) "Closed season" means that period of time during which 14407
the taking of wild animals protected by this chapter and Chapter 14408
1533. of the Revised Code is prohibited. 14409

(F) "Open season" means that period of time during which the 14410
taking of wild animals protected by this chapter and Chapter 1533. 14411
of the Revised Code is permitted. 14412

(G) "Take or taking" includes pursuing, shooting, hunting, 14413
killing, trapping, angling, fishing with a trotline, or netting 14414
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 14415

wild bird, or wild quadruped, and any lesser act, such as 14416
wounding, or placing, setting, drawing, or using any other device 14417
for killing or capturing any wild animal, whether it results in 14418
killing or capturing the animal or not. "Take or taking" includes 14419
every attempt to kill or capture and every act of assistance to 14420
any other person in killing or capturing or attempting to kill or 14421
capture a wild animal. 14422

(H) "Possession" means both actual and constructive 14423
possession and any control of things referred to. 14424

(I) "Bag limit" means the number, measurement, or weight of 14425
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 14426
birds, and wild quadrupeds permitted to be taken. 14427

(J) "Transport and transportation" means carrying or moving 14428
or causing to be carried or moved. 14429

(K) "Sell and sale" means barter, exchange, or offer or 14430
expose for sale. 14431

(L) "Whole to include part" means that every provision 14432
relating to any wild animal protected by this chapter and Chapter 14433
1533. of the Revised Code applies to any part of the wild animal 14434
with the same effect as it applies to the whole. 14435

(M) "Angling" means fishing with not more than two hand 14436
lines, not more than two units of rod and line, or a combination 14437
of not more than one hand line and one rod and line, either in 14438
hand or under control at any time while fishing. The hand line or 14439
rod and line shall have attached to it not more than three baited 14440
hooks, not more than three artificial fly rod lures, or one 14441
artificial bait casting lure equipped with not more than three 14442
sets of three hooks each. 14443

(N) "Trotline" means a device for catching fish that consists 14444
of a line having suspended from it, at frequent intervals, 14445
vertical lines with hooks attached. 14446

(O) "Fish" means a cold-blooded vertebrate having fins.	14447
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	14448 14449
(Q) "Wild birds" includes game birds and nongame birds.	14450
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	14451 14452
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	14453 14454 14455 14456 14457 14458
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	14459 14460
(U) "Wild quadrupeds" includes game quadrupeds and fur-bearing animals.	14461 14462
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild boar, elk, and black bears.	14463 14464 14465 14466
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	14467 14468 14469
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	14470 14471 14472
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any device commonly used to kill or wound wild birds or wild quadrupeds	14473 14474 14475 14476

whether or not the acts result in killing or wounding. "Hunting" 14477
includes every attempt to kill or wound and every act of 14478
assistance to any other person in killing or wounding or 14479
attempting to kill or wound wild birds or wild quadrupeds. 14480

(Z) "Trapping" means securing or attempting to secure 14481
possession of a wild bird or wild quadruped by means of setting, 14482
placing, drawing, or using any device that is designed to close 14483
upon, hold fast, confine, or otherwise capture a wild bird or wild 14484
quadruped whether or not the means results in capture. "Trapping" 14485
includes every act of assistance to any other person in capturing 14486
wild birds or wild quadrupeds by means of the device whether or 14487
not the means results in capture. 14488

(AA) "Muskrat spear" means any device used in spearing 14489
muskrats. 14490

(BB) "Channels and passages" means those narrow bodies of 14491
water lying between islands or between an island and the mainland 14492
in Lake Erie. 14493

(CC) "Island" means a rock or land elevation above the waters 14494
of Lake Erie having an area of five or more acres above water. 14495

(DD) "Reef" means an elevation of rock, either broken or in 14496
place, or gravel shown by the latest United States chart to be 14497
above the common level of the surrounding bottom of the lake, 14498
other than the rock bottom, or in place forming the base or 14499
foundation rock of an island or mainland and sloping from the 14500
shore of it. "Reef" also means all elevations shown by that chart 14501
to be above the common level of the sloping base or foundation 14502
rock of an island or mainland, whether running from the shore of 14503
an island or parallel with the contour of the shore of an island 14504
or in any other way and whether formed by rock, broken or in 14505
place, or from gravel. 14506

(EE) "Fur farm" means any area used exclusively for raising 14507

fur-bearing animals or in addition thereto used for hunting game, 14508
the boundaries of which are plainly marked as such. 14509

(FF) "Waters" includes any lake, pond, reservoir, stream, 14510
channel, lagoon, or other body of water, or any part thereof, 14511
whether natural or artificial. 14512

(GG) "Crib" or "car" refers to that particular compartment of 14513
the net from which the fish are taken when the net is lifted. 14514

(HH) "Commercial fish" means those species of fish permitted 14515
to be taken, possessed, bought, or sold unless otherwise 14516
restricted by the Revised Code or division rule and are alewife 14517
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 14518
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 14519
smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 14520
cyprinellus), black bullhead (*Ictalurus melas*), yellow bullhead 14521
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 14522
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 14523
olivaris), whitefish (*Coregonus sp.*), cisco (*Coregonus sp.*), 14524
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 14525
(*Lepisosteus sp.*), gizzard shad (*Dorosoma cepedianum*), goldfish 14526
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 14527
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 14528
(*Allosmerus elongatus*, *Hypomesus sp.*, *Osmerus sp.*, *Spirinchus* 14529
sp.), sturgeon (*Acipenser sp.*, *Scaphirhynchus sp.*), sucker other 14530
than buffalo and quillback (*Carpiodes sp.*, *Catostomus sp.*, 14531
Hypentelium sp., *Minytrema sp.*, *Moxostoma sp.*), white bass (*Morone* 14532
chrysops), white perch (*Roccus americanus*), and yellow perch 14533
(*Perca flavescens*). When the common name of a fish is used in this 14534
chapter or Chapter 1533. of the Revised Code, it refers to the 14535
fish designated by the scientific name in this definition. 14536

(II) "Fishing" means taking or attempting to take fish by any 14537
method, and all other acts such as placing, setting, drawing, or 14538
using any device commonly used to take fish whether resulting in a 14539

taking or not. 14540

(JJ) "Fillet" means the pieces of flesh taken or cut from 14541
both sides of a fish, joined to form one piece of flesh. 14542

(KK) "Part fillet" means a piece of flesh taken or cut from 14543
one side of a fish. 14544

(LL) "Round" when used in describing fish means with head and 14545
tail intact. 14546

(MM) "Migrate" means the transit or movement of fish to or 14547
from one place to another as a result of natural forces or 14548
instinct and includes, but is not limited to, movement of fish 14549
induced or caused by changes in the water flow. 14550

(NN) "Spreader bar" means a brail or rigid bar placed across 14551
the entire width of the back, at the top and bottom of the cars in 14552
all trap, crib, and fyke nets for the purpose of keeping the 14553
meshes hanging squarely while the nets are fishing. 14554

(OO) "Fishing guide" means any person who, for consideration 14555
or hire, operates a boat, rents, leases, or otherwise furnishes 14556
angling devices, ice fishing shanties or shelters of any kind, or 14557
other fishing equipment, and accompanies, guides, directs, or 14558
assists any other person in order for the other person to engage 14559
in fishing. 14560

(PP) "Net" means fishing devices with meshes composed of 14561
twine or synthetic material and includes, but is not limited to, 14562
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 14563
seines, except minnow seines and minnow dip nets. 14564

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 14565
nets, dip nets, carp aprons, trotlines, other similar gear, and 14566
any boat used in conjunction with that gear, but does not include 14567
gill nets. 14568

(RR) "Native wildlife" means any species of the animal 14569

kingdom indigenous to this state. 14570

(SS) "Gill net" means a single section of fabric or netting 14571
seamed to a float line at the top and a lead line at the bottom, 14572
which is designed to entangle fish in the net openings as they 14573
swim into it. 14574

(TT) "Tag fishing tournament" means a contest in which a 14575
participant pays a fee, or gives other valuable consideration, for 14576
a chance to win a prize by virtue of catching a tagged or 14577
otherwise specifically marked fish within a limited period of 14578
time. 14579

(UU) "Tenant" means an individual who resides on land for 14580
which the individual pays rent and whose annual income is 14581
primarily derived from agricultural production conducted on that 14582
land, as "agricultural production" is defined in section 929.01 of 14583
the Revised Code. 14584

(VV) "Nonnative wildlife" means any wild animal not 14585
indigenous to this state, but does not include domestic deer. 14586

(WW) "Reptiles" includes common musk turtle (*sternotherus* 14587
odoratus), common snapping turtle (*Chelydra serpentina* 14588
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 14589
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 14590
blandingii), common map turtle (*Graptemys geographica*), ouachita 14591
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 14592
painted turtle (*Chrysemys picta marginata*), red-eared slider 14593
(*Trachemys scripta elegans*), eastern spiny softshell turtle 14594
(*Apalone spinifera spinifera*), midland smooth softshell turtle 14595
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 14596
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 14597
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 14598
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 14599
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 14600

septemvittata), Kirtland's snake (<i>Clonophis kirtlandii</i>), northern	14601
water snake (<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake	14602
(<i>Nerodia sipedon insularum</i>), copperbelly water snake (<i>Nerodia</i>	14603
<i>erythrogaster neglecta</i>), northern brown snake (<i>Storeria dekayi</i>	14604
<i>dekayi</i>), midland brown snake (<i>Storeria dekayi wrightorum</i>),	14605
northern redbelly snake (<i>Storeria occipitomaculata</i>	14606
<i>occipitomaculata</i>), eastern garter snake (<i>Thamnophis sirtalis</i>	14607
<i>sirtalis</i>), eastern plains garter snake (<i>Thamnophis radix radix</i>),	14608
Butler's garter snake (<i>Thamnophis butleri</i>), shorthead garter snake	14609
(<i>Thamnophis brachystoma</i>), eastern ribbon snake (<i>Thamnophis</i>	14610
<i>sauritus sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	14611
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	14612
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>), northern	14613
ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest worm snake	14614
(<i>Carphophis amoenus helenae</i>), eastern worm snake (<i>Carphophis</i>	14615
<i>amoenus amoenus</i>), black racer (<i>Coluber constrictor constrictor</i>),	14616
blue racer (<i>Coluber constrictor foxii</i>), rough green snake	14617
(<i>opheodrys aestivus</i>), smooth green snake (<i>opheodrys vernalis</i>	14618
<i>vernalis</i>), black rat snake (<i>Elaphe obsoleta obsoleta</i>), eastern fox	14619
snake (<i>Elaphe vulpina gloydi</i>), black kingsnake (<i>Lampropeltis</i>	14620
<i>getula nigra</i>), eastern milk snake (<i>Lampropeltis triangulum</i>	14621
<i>triangulum</i>), northern copperhead (<i>Agkistrodon contortrix mokasen</i>),	14622
eastern massasauga (<i>Sistrurus catenatus catenatus</i>), and timber	14623
rattlesnake (<i>Crotalus horridus horridus</i>).	14624
(XX) "Amphibians" includes eastern hellbender (<i>Cryptobranchus</i>	14625
<i>alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus maculosus</i>	14626
<i>maculosus</i>), red-spotted newt (<i>Notophthalmus viridescens</i>	14627
<i>viridescens</i>), Jefferson salamander (<i>Ambystoma jeffersonianum</i>),	14628
spotted salamander (<i>Ambystoma maculatum</i>), blue-spotted salamander	14629
(<i>Ambystoma laterale</i>), smallmouth salamander (<i>Ambystoma texanum</i>),	14630
streamside salamander (<i>Ambystoma barbouri</i>), marbled salamander	14631
(<i>Ambystoma opacum</i>), eastern tiger salamander (<i>Ambystoma tigrinum</i>	14632
<i>tigrinum</i>), northern dusky salamander (<i>Desmognathus fuscus fuscus</i>),	14633

mountain dusky salamander (<i>Desmognathus ochrophaeus</i>), redback	14634
salamander (<i>Plethodon cinereus</i>), ravine salamander (<i>Plethodon</i>	14635
<i>richmondi</i>), northern slimy salamander (<i>Plethodon glutinosus</i>),	14636
Wehrle's salamander (<i>Plethodon wehrlei</i>), four-toed salamander	14637
(<i>Hemidactylium scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	14638
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	14639
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	14640
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	14641
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	14642
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	14643
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern	14644
two-lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	14645
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	14646
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog (<i>Acris</i>	14647
<i>crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris crucifer</i>	14648
<i>crucifer</i>), gray treefrog (<i>Hyla versicolor</i>), Cope's gray treefrog	14649
(<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris triseriata</i>	14650
<i>triseriata</i>), mountain chorus frog (<i>Pseudacris brachyphona</i>),	14651
bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana clamitans melanota</i>),	14652
northern leopard frog (<i>Rana pipiens</i>), pickerel frog (<i>Rana</i>	14653
<i>palustris</i>), southern leopard frog (<i>Rana utricularia</i>), and wood	14654
frog (<i>Rana sylvatica</i>).	14655
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	14656
<i>virginianus</i>).	14657
(ZZ) "Domestic deer" means nonnative deer that have been	14658
legally acquired or their offspring and that are held in private	14659
ownership for primarily agricultural purposes.	14660
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	14661
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	14662
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>); and	14663
woodcock and snipe (<i>Scolopacidae</i>).	14664
(BBB) "Accompany" means to go along with another person while	14665

staying within a distance from the person that enables 14666
uninterrupted, unaided visual and auditory communication. 14667

(CCC) "All-purpose vehicle" means any vehicle that is 14668
designed primarily for cross-country travel on land, water, or 14669
land and water and that is steered by wheels, caterpillar treads, 14670
or a combination of wheels and caterpillar treads and includes 14671
vehicles that operate on a cushion of air, vehicles commonly known 14672
as all-terrain vehicles, all-season vehicles, mini-bikes, and 14673
trail bikes. 14674

(DDD) "Wholly enclosed preserve" means an area of land that 14675
is surrounded by a fence that is at least six feet in height, 14676
unless otherwise specified in division rule, and is constructed of 14677
a woven wire mesh, or another enclosure that the division of 14678
wildlife may approve, where game birds, game quadrupeds, reptiles, 14679
amphibians, or fur-bearing animals are raised and may be sold 14680
under the authority of a commercial propagating license or captive 14681
white-tailed deer propagation license obtained under section 14682
1533.71 of the Revised Code. 14683

(EEE) "Commercial bird shooting preserve" means an area of 14684
land where game birds are released and hunted by shooting as 14685
authorized by a commercial bird shooting preserve license obtained 14686
under section 1533.72 of the Revised Code. 14687

(FFF) "Wild animal hunting preserve" means an area of land 14688
where game, captive white-tailed deer, and nonnative wildlife, 14689
other than game birds, are released and hunted as authorized by a 14690
wild animal hunting preserve license obtained under section 14691
1533.721 of the Revised Code. 14692

(GGG) "Captive white-tailed deer" means legally acquired deer 14693
that are held in private ownership at a facility licensed under 14694
section 943.03 or 943.031 of the Revised Code and under section 14695
1533.71 or 1533.721 of the Revised Code. 14696

~~(HHH) "Lake Erie sport fishing district" means the Ohio waters of Lake Erie and its embayments, including Maumee bay, Sandusky bay, East Harbor, Middle Harbor, West Harbor, and the entire length of all tributaries or to the first dam or designated landmark as follows:~~

~~Vermilion river — state route 2 bridge~~ 14702

~~Black river — state route 611 bridge~~ 14703

~~Rocky river — Detroit road bridge~~ 14704

~~Cuyahoga river — Harvard road bridge~~ 14705

~~Euclid creek — state route 283 bridge~~ 14706

~~Chagrin river — state route 283 bridge~~ 14707

~~Arcola creek — United States route 20 bridge~~ 14708

~~Wheeler creek — United States route 20 bridge~~ 14709

~~Cowles creek — United States route 20 bridge~~ 14710

~~Indian creek — United States route 20 bridge~~ 14711

~~Grand river — state route 535 bridge~~ 14712

~~Conneaut creek — Main street bridge, downtown Conneaut~~ 14713

~~Ashtabula river — east 24th street bridge~~ 14714

Sec. 1531.35. The wildlife boater angler fund is hereby created in the state treasury. The fund shall consist of money credited to the fund pursuant to section 5735.051 of the Revised Code and other money contributed to the division of wildlife for the purposes of the fund. The fund shall be used for boating access construction, improvements, maintenance and repair of dams and impoundments, and acquisitions, including lands and facilities for boating access, and to pay for equipment and personnel costs involved with those activities, on waters on which the operation of gasoline-powered watercraft is permissible. ~~However, not more~~

~~than five hundred thousand dollars of the annual expenditures from~~ 14725
~~the fund may be used to pay for the equipment and personnel costs.~~ 14726

Sec. 1533.01. As used in this chapter, "person," "resident," 14727
"nonresident," "division rule," "rule," "closed season," "open 14728
season," "take or taking," "possession," "bag limit," "transport 14729
and transportation," "sell and sale," "whole to include part," 14730
"angling," "trotline," "fish," "measurement of fish," "wild 14731
birds," "game," "game birds," "nongame birds," "wild quadrupeds," 14732
"game quadrupeds," "fur-bearing animals," "wild animals," 14733
"hunting," "trapping," "muskrat spear," "channels and passages," 14734
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 14735
fish," "fishing," "fillet," "part fillet," "round," "migrate," 14736
"spreader bar," "fishing guide," "net," "commercial fishing gear," 14737
"native wildlife," "gill net," "tag fishing tournament," "tenant," 14738
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 14739
deer," "migratory game bird," "accompany," "all-purpose vehicle," 14740
"wholly enclosed preserve," "commercial bird shooting preserve," 14741
"wild animal hunting preserve," and "captive white-tailed deer," 14742
~~and "Lake Erie sport fishing district"~~ have the same meanings as 14743
in section 1531.01 of the Revised Code. 14744

Sec. 1533.101. Any person who has a current hunting or 14745
fishing license, ~~a nonresident Lake Erie sport fishing district~~ 14746
~~permit~~, a wetlands habitat stamp, a deer or wild turkey permit, or 14747
a fur taker permit pursuant to this chapter and has lost or 14748
destroyed the license, stamp, or permit, or had the license, 14749
stamp, or permit stolen, may be reissued such license, stamp, or 14750
permit. The person shall file with the clerk of the court of 14751
common pleas an application in affidavit form or, if the chief of 14752
the division of wildlife authorizes it, apply for a reissued 14753
license, stamp, or permit to an authorized agent designated by the 14754
chief, and pay a fee for each license, stamp, or permit of four 14755

dollars. The clerk or agent shall administer the oath to the applicant, issue a reissued license, stamp, or permit that shall allow the applicant to hunt, fish, or trap, as applicable, and send a copy of the reissued license, stamp, or permit to the division of wildlife.

All moneys received as fees for the issuance of reissued licenses, stamps, or permits shall be transmitted to the director of natural resources to be paid into the state treasury to the credit of the funds to which the fees for the original licenses, stamps, and permits were credited.

No person shall knowingly or willfully secure, attempt to secure, or use a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit to which the person is not entitled. No person shall knowingly or willfully issue a reissued hunting or fishing license, wetlands habitat stamp, deer or wild turkey permit, or fur taker permit under this section to any person who is not entitled to receive and use such a reissued license, stamp, or permit.

Sec. 1533.11. (A)(1) Except as provided in this section or section 1533.731 of the Revised Code, no person shall hunt deer on lands of another without first obtaining an annual deer permit. Except as provided in this section, no person shall hunt wild turkeys on lands of another without first obtaining an annual wild turkey permit. A deer or wild turkey permit is valid during the hunting license year in which the permit is purchased. Except as provided in rules adopted under division (B) of ~~that~~ section 1533.12 of the Revised Code, each applicant for a deer or wild turkey permit shall pay an annual fee for each permit in accordance with the following schedule:

Deer permit - resident	\$30.00
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Deer permit - nonresident	\$74.00	14786
Youth deer permit - resident and nonresident	\$15.00	14787
Senior deer permit - resident	\$11.50 <u>\$11.00</u>	14788
Wild turkey permit - resident	\$30.00	14789
Wild turkey permit - nonresident	\$37.00	14790
Youth wild turkey permit - resident and nonresident	\$15.00	14791
Senior wild turkey permit - resident	\$11.50 <u>\$11.00</u>	14792
(2) As used in division (A)(1) of this section:		14793
(a) "Resident" means an individual who has resided in this state for not less than six months preceding the date of making application for a permit.		14794 14795 14796
(b) "Nonresident" means any individual who does not qualify as a resident.		14797 14798
(c) "Youth" means an applicant who is under the age of eighteen years at the time of application for a permit.		14799 14800
(d)(b) "Senior" means an applicant who is sixty-six years of age or older at the time of application for a permit.		14801 14802
(3) The money received shall be paid into the state treasury to the credit of the wildlife fund, created in section 1531.17 of the Revised Code, exclusively for the use of the division of wildlife in the acquisition and development of land for deer or wild turkey management, for investigating deer or wild turkey problems, and for the stocking, management, and protection of deer or wild turkey.		14803 14804 14805 14806 14807 14808 14809
(4) Every person, while hunting deer or wild turkey on lands of another, shall carry the person's deer or wild turkey permit and exhibit it to any enforcement officer so requesting. Failure to so carry and exhibit such a permit constitutes an offense under this section.		14810 14811 14812 14813 14814
(5) The chief of the division of wildlife shall adopt any		14815

additional rules the chief considers necessary to carry out this 14816
section and section 1533.10 of the Revised Code. 14817

(6) An owner who is a resident of this state or an owner who 14818
is exempt from obtaining a hunting license under section 1533.10 14819
of the Revised Code and the children of the owner of lands in this 14820
state may hunt deer or wild turkey thereon without a deer or wild 14821
turkey permit. If the owner of land in this state is a limited 14822
liability company or a limited liability partnership that consists 14823
of three or fewer individual members or partners, as applicable, 14824
an individual member or partner who is a resident of this state 14825
and the member's or partner's children of any age may hunt deer or 14826
wild turkey on the land owned by the limited liability company or 14827
limited liability partnership without a deer or wild turkey 14828
permit. In addition, if the owner of land in this state is a trust 14829
that has a total of three or fewer trustees and beneficiaries, an 14830
individual who is a trustee or beneficiary and who is a resident 14831
of this state and the individual's children of any age may hunt 14832
deer or wild turkey on the land owned by the trust without a deer 14833
or wild turkey permit. The tenant and children of the tenant may 14834
hunt deer or wild turkey on lands where they reside without a deer 14835
or wild turkey permit. 14836

(B) A deer or wild turkey permit is not transferable. No 14837
person shall carry a deer or wild turkey permit issued in the name 14838
of another person. 14839

(C) The wildlife refunds fund is hereby created in the state 14840
treasury. The fund shall consist of money received from 14841
application fees for deer permits that are not issued. Money in 14842
the fund shall be used to make refunds of such application fees. 14843

(D) If the division establishes a system for the electronic 14844
submission of information regarding deer or wild turkey that are 14845
taken, the division shall allow the owner and the children of the 14846
owner of lands in this state to use the owner's name or address 14847

for purposes of submitting that information electronically via 14848
that system. 14849

Sec. 1533.12. (A)(1) Except as otherwise provided in division 14850
(A)(2) of this section, every person on active duty in the armed 14851
forces of the United States who is stationed in this state and who 14852
wishes to engage in an activity for which a license, permit, or 14853
stamp is required under this chapter first shall obtain the 14854
requisite license, permit, or stamp. Such a person is eligible to 14855
obtain a resident hunting or fishing license regardless of whether 14856
the person qualifies as a resident of this state. To obtain a 14857
resident hunting or fishing license, the person shall present a 14858
card or other evidence identifying the person as being on active 14859
duty in the armed forces of the United States and as being 14860
stationed in this state. 14861

(2) Every person on active duty in the armed forces of the 14862
United States, while on leave or furlough, may take or catch fish 14863
of the kind lawfully permitted to be taken or caught within the 14864
state, may hunt any wild bird or wild quadruped lawfully permitted 14865
to be hunted within the state, and may trap fur-bearing animals 14866
lawfully permitted to be trapped within the state, without 14867
procuring a fishing license, a hunting license, a fur taker 14868
permit, or a wetlands habitat stamp required by this chapter, 14869
provided that the person shall carry on the person when fishing, 14870
hunting, or trapping, a card or other evidence identifying the 14871
person as being on active duty in the armed forces of the United 14872
States, and provided that the person is not otherwise violating 14873
any of the hunting, fishing, and trapping laws of this state. 14874

In order to hunt deer or wild turkey, any such person shall 14875
obtain a deer or wild turkey permit, as applicable, under section 14876
1533.11 of the Revised Code. Such a person is eligible to obtain a 14877
deer or wild turkey permit at the resident rate, regardless of 14878

whether the person is a resident of this state. However, the 14879
person need not obtain a hunting license in order to obtain such a 14880
permit. 14881

(B) The chief of the division of wildlife shall provide by 14882
rule adopted under section 1531.10 of the Revised Code all of the 14883
following: 14884

(1) Every resident of this state ~~with a disability that has~~ 14885
~~been determined by the veterans administration to be permanently~~ 14886
~~and totally disabling, who receives a pension or compensation from~~ 14887
~~the veterans administration, and~~ who received an honorable 14888
discharge from the armed forces of the United States, and who is 14889
entitled to benefits under the dependent's education assistance 14890
program administered by the United States department of veterans 14891
affairs, and every veteran to whom the registrar of motor vehicles 14892
has issued a set of license plates under section 4503.41 of the 14893
Revised Code, shall be issued a fishing license, hunting license, 14894
fur taker permit, deer or wild turkey permit, or wetlands habitat 14895
stamp, or any combination of those licenses, permits, and stamp, 14896
free of charge on an annual, multi-year, or lifetime basis as 14897
determined appropriate by the chief when application is made to 14898
the chief in the manner prescribed by and on forms provided by the 14899
chief. 14900

(2) Every resident of the state who was born on or before 14901
December 31, 1937, shall be issued an annual fishing license, 14902
hunting license, fur taker permit, deer or wild turkey permit, or 14903
wetlands habitat stamp, or any combination of those licenses, 14904
permits, and stamp, free of charge when application is made to the 14905
chief in the manner prescribed by and on forms provided by the 14906
chief. 14907

(3) Every resident of state or county institutions, 14908
charitable institutions, and military homes in this state shall be 14909
issued an annual fishing license free of charge when application 14910

is made to the chief in the manner prescribed by and on forms 14911
provided by the chief. 14912

(4) Any mobility impaired or blind person, as defined in 14913
section 955.011 of the Revised Code, who is a resident of this 14914
state and who is unable to engage in fishing without the 14915
assistance of another person shall be issued an annual fishing 14916
license free of charge when application is made to the chief in 14917
the manner prescribed by and on forms provided by the chief. The 14918
person who is assisting the mobility impaired or blind person may 14919
assist in taking or catching fish of the kind permitted to be 14920
taken or caught without procuring the license required under 14921
section 1533.32 of the Revised Code, provided that only one line 14922
is used by both persons. 14923

(5) As used in division (B)(5) of this section, "prisoner of 14924
war" means any regularly appointed, enrolled, enlisted, or 14925
inducted member of the military forces of the United States who 14926
was captured, separated, and incarcerated by an enemy of the 14927
United States. 14928

Any person who has been a prisoner of war, was honorably 14929
discharged from the military forces, and is a resident of this 14930
state shall be issued a fishing license, hunting license, fur 14931
taker permit, or wetlands habitat stamp, or any combination of 14932
those licenses, permits, and stamp, free of charge on an annual, 14933
multi-year, or lifetime basis as determined appropriate by the 14934
chief when application is made to the chief in the manner 14935
prescribed by and on forms provided by the chief. 14936

(C) The chief shall adopt rules pursuant to section 1531.08 14937
of the Revised Code designating not more than two days, which need 14938
not be consecutive, in each year as "free sport fishing days" on 14939
which any resident may exercise the privileges accorded the holder 14940
of a fishing license issued under section 1533.32 of the Revised 14941
Code without procuring such a license, provided that the person is 14942

not otherwise violating any of the fishing laws of this state. 14943

Sec. 1533.321. (A) The chief of the division of wildlife may 14944
issue any of the following: 14945

(1) Multi-year hunting or fishing licenses for three-, five-, 14946
or ten-year terms to a resident of this state; 14947

(2) Lifetime hunting or fishing licenses to a resident of 14948
this state; 14949

(3) A package consisting of any combination of license, 14950
stamp, or permit that the chief is authorized to issue under this 14951
chapter. 14952

(B) The chief may adopt rules in accordance with section 14953
1531.10 of the Revised Code governing multi-year hunting and 14954
fishing licenses, lifetime hunting and fishing licenses, and 14955
combination packages, including rules establishing fees for the 14956
combination packages. The chief shall ensure that the price for a 14957
combination package is not discounted by more than five per cent 14958
of the total fees for the licenses, permits, or stamps that a 14959
person would otherwise pay for those licenses, permits, or stamps 14960
if the person purchased them individually. 14961

(C)(1) The multi-year and lifetime license fund is hereby 14962
created in the state treasury. The fund shall consist of money 14963
received from application fees for multi-year and lifetime hunting 14964
and fishing licenses. 14965

(2) Each fiscal year, a prorated amount of the money from 14966
each multi-year and lifetime license fee shall be transferred from 14967
the multi-year and lifetime license fund to the fund into which 14968
the applicable single year license fee would otherwise be 14969
deposited. The prorated amount shall equal the total amount of the 14970
fee charged for the license divided by the number of years the 14971
license is valid. The chief shall adopt rules in accordance with 14972

section 1531.10 of the Revised Code for the administration of this 14973
division, including establishing a system that prorates lifetime 14974
license fees for deposit each year into the wildlife fund created 14975
in section 1531.17 of the Revised Code. 14976

(3) Each fiscal year, all previous year's investment earnings 14977
from the multi-year and lifetime license fund shall be transferred 14978
into the wildlife fund created in section 1531.17 of the Revised 14979
Code. 14980

(D)(1) Each applicant for a multi-year or lifetime fishing 14981
license who is a resident of this state shall pay a fee for each 14982
license in accordance with the following schedule: 14983

Senior 3-year fishing license	\$27.50	14984
	<u>26.00</u>	
Senior 5-year fishing license	\$45.75	14985
	<u>43.34</u>	
Senior lifetime fishing license	\$81.00	14986
3-year fishing license	\$52.00 <u>69.34</u>	14987
5-year fishing license	\$86.75	14988
	<u>115.56</u>	
10-year fishing license	\$173.50	14989
	<u>231.12</u>	
Lifetime fishing license	\$450.00	14990
	<u>576.00</u>	
Youth lifetime fishing license	\$414.00	14991

(2) As used in division (D)(1) of this section: 14992

(a) "Youth" means an applicant who is under the age of 14993
sixteen years at the time of application for a license. 14994

(b) "Senior" means an applicant who is sixty-six years of age 14995
or older at the time of application for a license. 14996

(E)(1) Each applicant for a multi-year or lifetime hunting 14997
license who is a resident of this state shall pay a fee for each 14998

license in accordance with the following schedule:		14999
Senior 3-year hunting license	\$27.50	15000
	<u>26.00</u>	
Senior 5-year hunting license	\$45.75	15001
	<u>43.34</u>	
Senior lifetime hunting license	\$81.00	15002
Youth 3-year hunting license	\$27.50	15003
	<u>26.00</u>	
Youth 5-year hunting license	\$45.75	15004
	<u>43.34</u>	
Youth 10-year hunting license	\$91.50	15005
	<u>86.67</u>	
Youth lifetime hunting license	\$414.00	15006
3-year hunting license	\$52.00	15007
5-year hunting license	\$86.75	15008
	<u>86.67</u>	
10-year hunting license	\$173.50	15009
	<u>173.34</u>	
Lifetime hunting license	\$450.00	15010
	<u>432.00</u>	
(2) As used in division (E)(1) of this section:		15011
(a) "Youth" means an applicant who is under the age of		15012
eighteen years at the time of application for a license.		15013
(b) "Senior" means an applicant who is sixty-six years of age		15014
or older at the time of application for a license.		15015
(F) If a person who is issued a multi-year hunting or fishing		15016
license or lifetime hunting or fishing license in accordance with		15017
division (A) of this section subsequently becomes a nonresident		15018
after issuance of the license, the person's license remains valid		15019
in this state during its term, regardless of residency status.		15020
Sec. 1546.06. The chief of the division of parks and		15021

watercraft shall prepare and submit to the director of natural 15022
resources maps and descriptions of the areas of lands and waters 15023
which the chief intends to designate as state park purchase areas. 15024
Such state park purchase areas may include lands and waters at the 15025
time belonging to the state, together with lands and waters not 15026
belonging to the state but which for reasons of protection, 15027
utilization, and administration should be subject to purchase by 15028
the state for park purposes. If such area is approved by the 15029
director of natural resources, it shall be known as a state park 15030
purchase area, and the map and description thereof, with the 15031
approval of the director of natural resources indorsed thereon, 15032
shall be filed in duplicate with the ~~auditor of state~~ director of 15033
administrative services and the attorney general. 15034

All moneys appropriated for the purchase of lands and waters 15035
by the state for park purposes, unless specifically appropriated 15036
for the purchase of particular tracts or areas, may be expended 15037
for the purchase of lands or waters within any legally established 15038
state park purchase area. If, after the purchase of specifically 15039
designated tracts or areas, moneys from such appropriations remain 15040
unexpended, upon the request of the director of natural resources, 15041
the controlling board shall release such funds, in whole or in 15042
part, for the purchase of lands or waters within any state park 15043
purchase area. 15044

Sec. 1547.533. No person shall operate a watercraft in this 15045
state if it displays an identification number or registration 15046
decal that is any of the following: 15047

(A) Fictitious; 15048

(B) A counterfeit or an unlawfully made copy of any 15049
identification number or registration decal; 15050

(C) An identification number or registration decal that 15051

belongs to another watercraft. 15052

Sec. 1547.59. The operator of a vessel involved in a 15053
collision, accident, or other casualty, so far as the operator can 15054
do so without serious danger to the operator's own vessel, crew, 15055
and passengers, shall render to other persons affected by the 15056
collision, accident, or other casualty such assistance as may be 15057
practicable and as may be necessary in order to save them from or 15058
minimize any danger caused by the collision, accident, or other 15059
casualty. The operator also shall give the operator's name, 15060
address, and identification of the operator's vessel in writing to 15061
any person injured and to the owner of any property damaged in the 15062
collision, accident, or other casualty. 15063

Any person who renders assistance at the scene of a 15064
collision, accident, or other casualty involving a vessel is not 15065
liable in a civil action for damages or injury to persons or 15066
property resulting from any act or omission in rendering 15067
assistance or in providing or arranging salvage, towage, medical 15068
treatment, or other assistance, except that the person is liable 15069
for willful or wanton misconduct in rendering assistance. Nothing 15070
in this section precludes recovery from any tortfeasor causing a 15071
collision, accident, or other casualty of damages caused or 15072
aggravated by the rendering of assistance. 15073

In the case of collision, accident, or other casualty 15074
involving a vessel, the operator thereof, if the collision, 15075
accident, or other casualty results in loss of life, personal 15076
injury requiring medical treatment beyond first aid, damage to 15077
property in excess of ~~five hundred~~ one thousand dollars, or the 15078
total loss of a vessel, shall file with the chief of the division 15079
of parks and watercraft a full description of the collision, 15080
accident, or other casualty on a form prescribed by the chief. 15081

If the operator of the vessel involved in a collision, 15082

accident, or other casualty is incapacitated, the investigating 15083
law enforcement officer shall file the required form as prescribed 15084
by the chief. 15085

Sec. 1551.01. As used in this chapter: 15086

(A) "Governmental agency" means the United States government 15087
or any department, agency, or instrumentality thereof; any 15088
department, agency, or instrumentality of a state government; any 15089
municipal corporation, county, township, board of education, or 15090
other political subdivision or any other body corporate and 15091
politic of a state; or any agency, commission, or authority 15092
established under an interstate compact or agreement. 15093

(B) "Energy resource development facility" means any energy 15094
resource development, research, or conservation facility, 15095
including pilot as well as demonstration facilities, and including 15096
undivided or other interests therein, acquired or to be acquired, 15097
or constructed or to be constructed under this chapter or Chapter 15098
6121. or 6123. of the Revised Code, or acquired or to be acquired, 15099
or constructed or to be constructed by a governmental agency or 15100
person with all or a part of the cost thereof being paid from a 15101
loan or grant under such chapters, including all buildings and 15102
facilities that the director of development ~~services~~ determines 15103
necessary for the operation of the facility, together with all 15104
property, rights, easements, and interests that may be required 15105
for the operation of the facility, which facilities may include: 15106

(1) Any building, testing facility, testing device, or 15107
support facilities which would provide experimental, 15108
demonstration, or testing capabilities or services not otherwise 15109
available in this state and which are necessary for the 15110
accomplishment of the purposes of this chapter; 15111

(2) Any method, process, structure, or equipment that is used 15112
to store coal, oil, natural gas, fuel for nuclear reactors, or any 15113

other form of energy;	15114
(3) Any method, process, structure, or equipment that is used	15115
to recover or convert coal, oil, natural gas, steam, or other form	15116
of energy from property located within the state for the purpose	15117
of supplying energy for utilization;	15118
(4) Any method, process, structure, or equipment that is	15119
designed to result in more efficient recovery, conversion, or	15120
utilization of energy resources within the state, including any	15121
scrap tire recovery facility for which a registration certificate	15122
or permit has been issued under section 3734.78 of the Revised	15123
Code;	15124
(5) Any improvement that is designed to improve the thermal	15125
efficiency of a building or structure or reduce the fuel or power	15126
needed to heat, cool, light, ventilate, or provide hot water in a	15127
building or structure;	15128
(6) Any improvement designed to enable the substitution of	15129
coal or alternate fuel, other than natural gas, for natural gas or	15130
a petroleum fuel, or the conversion of coal to other fuels;	15131
(7) Any improvement designed to enable the combustion of high	15132
sulfur coal in compliance with air or water pollution control or	15133
solid waste disposal laws, including, but not limited to, any	15134
facility for processing coal to remove sulfur before combustion of	15135
the coal, for fluidized bed combustion, or for removal of the	15136
sulfur before the products of combustion are emitted or	15137
discharged.	15138
(C) "Cost" as applied to an energy resource development	15139
facility means the cost of acquisition and construction, the cost	15140
of acquisition of all land, rights-of-way, property rights,	15141
easements, franchise rights, and interests required for such	15142
acquisition and construction, the cost of demolishing or removing	15143
any buildings or structures on land so acquired, including the	15144

cost of acquiring any lands to which such buildings or structures 15145
may be moved, the cost of acquiring or constructing and equipping 15146
a principal office and sub-offices of the department of 15147
development, the cost of diverting highways, interchange of 15148
highways, access roads to private property, including the cost of 15149
land or easements for such access roads, the cost of public 15150
utility and common carrier relocation or duplication, the cost of 15151
all machinery, furnishings, and equipment, financing charges, 15152
interest prior to and during construction and for no more than 15153
eighteen months after completion of construction, engineering, 15154
expenses of research and development with respect to the facility, 15155
legal expenses, plans, specifications, surveys, studies, estimates 15156
of cost and revenues, working capital, other expenses necessary or 15157
incident to determining the feasibility or practicability of 15158
acquiring or constructing such facility, administrative expense, 15159
and such other expense as may be necessary or incident to the 15160
acquisition or construction of the facility, the financing of such 15161
acquisition or construction, including the amount authorized in 15162
the resolution of the Ohio water development authority providing 15163
for the issuance of energy resource development revenue bonds to 15164
be paid into any special funds from the proceeds of such bonds, 15165
and the financing of the placing of such facility in operation. 15166
Any obligation, cost, or expense incurred after August 26, 1975, 15167
by any governmental agency or person for surveys, borings, 15168
preparation of plans and specifications, and other engineering 15169
services, or any other cost described above, in connection with 15170
the acquisition or construction of a facility may be regarded as a 15171
part of the cost of such facility and may be reimbursed out of the 15172
proceeds of energy resource development revenue bonds. 15173

(D) "Revenues" means all rentals and other charges received 15174
by the Ohio water development authority for the use or services of 15175
any energy resource development facility, any contract, gift, or 15176
grant received with respect to any energy resource development 15177

facility, and moneys received with respect to the lease, sublease, 15178
sale, including installment sale or conditional sale, or other 15179
disposition of an energy resource development facility, moneys 15180
received in repayment of and for interest on any loans made by the 15181
authority to a person or governmental agency, whether from the 15182
United States or any department, administration, or agency 15183
thereof, or otherwise, proceeds of energy resource development 15184
revenue bonds to the extent that the use thereof for payment of 15185
principal of, premium, if any, or interest on the bonds is 15186
authorized by the authority, proceeds from any insurance, 15187
condemnation, or guaranty pertaining to a facility or property 15188
mortgaged to secure bonds or pertaining to the financing of a 15189
facility, and income and profit from the investment of the 15190
proceeds of energy resource development revenue bonds or of any 15191
revenues. 15192

(E) "Construction," unless the context indicates a different 15193
meaning or intent, includes construction, reconstruction, 15194
enlargement, improvement, or providing furnishings or equipment. 15195

(F) "Energy resource development revenue bonds," unless the 15196
context indicates a different meaning or intent, includes energy 15197
resource development revenue bonds, energy resource development 15198
revenue notes, and energy resource development revenue refunding 15199
bonds. 15200

(G) "Energy" means work or heat that is, or can be, produced 15201
from any fuel or source whatsoever. 15202

(H) "Energy audit" means any process by which energy usage or 15203
costs of heating, cooling, lighting, and climate control in a 15204
building or structure are determined. 15205

(I) "Energy conservation" means preservation of energy 15206
resources by efficient utilization, and reduction of waste. 15207

(J) "Energy conservation measure" means any modification of a 15208

building, structure, machine, appliance, vehicle, improvement, or 15209
process in order to improve its efficiency of energy use or energy 15210
costs. 15211

(K) "Fuel" means petroleum, crude oil, petroleum product, 15212
coal, natural gas, synthetic natural or artificial gas, nuclear, 15213
or other substance used primarily for its energy content. 15214

(L) "Net energy analysis" means the determination of the 15215
amount of energy remaining after all energy outputs have been 15216
subtracted from the energy inputs of a given system. 15217

~~(M) "Department of development" means the development 15218
services agency and "director of development" means the director 15219
of development services. 15220~~

Sec. 1551.33. (A) The director of development ~~services~~ shall 15221
appoint and fix the compensation of the director of the Ohio coal 15222
development office. The director shall serve at the pleasure of 15223
the director of development ~~services~~. 15224

(B) The director of the office shall do all of the following: 15225

(1) Biennially prepare and maintain the Ohio coal development 15226
agenda required under section 1551.34 of the Revised Code; 15227

(2) Propose and support policies for the office consistent 15228
with the Ohio coal development agenda and develop means to 15229
implement the agenda; 15230

(3) Initiate, undertake, and support projects to carry out 15231
the office's purposes and ensure that the projects are consistent 15232
with and meet the selection criteria established by the Ohio coal 15233
development agenda; 15234

(4) Actively encourage joint participation in and, when 15235
feasible, joint funding of the office's projects with governmental 15236
agencies, electric utilities, universities and colleges, other 15237
public or private interests, or any other person; 15238

(5) Establish a table of organization for and employ such 15239
employees and agents as are necessary for the administration and 15240
operation of the office. Any such employees shall be in the 15241
unclassified service and shall serve at the pleasure of the 15242
director of development ~~services~~. 15243

(6) Convene the technical advisory committee established 15244
under section 1551.35 of the Revised Code; 15245

(7) Review, with the assistance of the technical advisory 15246
committee, proposed coal research and development projects as 15247
defined in section 1555.01 of the Revised Code, and coal 15248
development projects, submitted to the office by public utilities 15249
for the purpose of section 4905.304 of the Revised Code. If the 15250
director and the advisory committee determine that any such 15251
facility or project has as its purpose the enhanced use of Ohio 15252
coal in an environmentally acceptable, cost effective manner, 15253
promotes energy conservation, is cost effective, and is 15254
environmentally sound, the director shall submit to the public 15255
utilities commission a report recommending that the commission 15256
allow the recovery of costs associated with the facility or 15257
project under section 4905.304 of the Revised Code and including 15258
the reasons for the recommendation. 15259

(8) Establish such policies, procedures, and guidelines as 15260
are necessary to achieve the office's purposes. 15261

(C) With the approval of the director of development 15262
~~services~~, the director of the office may exercise any of the 15263
powers and duties that the director of development ~~services~~ 15264
considers appropriate or desirable to achieve the office's 15265
purposes, including, but not limited to, the powers and duties 15266
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 15267
Revised Code. 15268

Additionally, the director of the office may make loans to 15269

governmental agencies or persons for projects to carry out the 15270
office's purposes. Fees, charges, rates of interest, times of 15271
payment of interest and principal, and other terms, conditions, 15272
and provisions of the loans shall be such as the director of the 15273
office determines to be appropriate and in furtherance of the 15274
purposes for which the loans are made. The mortgage lien securing 15275
any moneys lent by the director of the office may be subordinate 15276
to the mortgage lien securing any moneys lent or invested by a 15277
financial institution, but shall be superior to that securing any 15278
moneys lent or expended by any other person. The moneys used in 15279
making the loans shall be disbursed upon order of the director of 15280
the office. 15281

Sec. 1551.35. (A) There is hereby established a technical 15282
advisory committee to assist the director of the Ohio coal 15283
development office in achieving the office's purposes. The 15284
director of development ~~services~~ shall appoint to the committee 15285
one member of the public utilities commission and one 15286
representative each of coal production companies, the united mine 15287
workers of America, and electric utilities, as well as two people 15288
with a background in coal research and development technology, one 15289
of whom is employed at the time of the member's appointment by a 15290
state university, as defined in section 3345.011 of the Revised 15291
Code. In addition, the committee shall include four legislative 15292
members. The speaker and minority leader of the house of 15293
representatives each shall appoint one member of the house of 15294
representatives, and the president and minority leader of the 15295
senate each shall appoint one member of the senate, to the 15296
committee. The director of environmental protection shall serve on 15297
the committee as an ex officio member. Any member of the committee 15298
may designate in writing a substitute to serve in the member's 15299
absence on the committee. The director of environmental protection 15300
may designate in writing the chief of the air pollution control 15301

division of the environmental protection agency to represent the 15302
agency. Members shall serve on the committee at the pleasure of 15303
their appointing authority. Members of the committee appointed by 15304
the director of development ~~services~~ and, notwithstanding section 15305
101.26 of the Revised Code, legislative members of the committee, 15306
when engaged in their official duties as members of the committee, 15307
shall be compensated on a per diem basis in accordance with 15308
division (J) of section 124.15 of the Revised Code, except that 15309
the member of the public utilities commission and, while employed 15310
by a state university, the member with a background in coal 15311
research, shall not be so compensated. Members shall receive their 15312
actual and necessary expenses incurred in the performance of their 15313
duties. 15314

(B) The technical advisory committee shall review and make 15315
recommendations concerning the Ohio coal development agenda 15316
required under section 1551.34 of the Revised Code, project 15317
proposals, research and development projects submitted to the 15318
office by public utilities for the purpose of section 4905.304 of 15319
the Revised Code, proposals for grants, loans, and loan guarantees 15320
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 15321
and such other topics as the director of the office considers 15322
appropriate. 15323

(C) The technical advisory committee may hold an executive 15324
session at any regular or special meeting for the purpose of 15325
considering research and development project proposals or 15326
applications for assistance submitted to the Ohio coal development 15327
office under section 1551.33, or sections 1555.01 to 1555.06, of 15328
the Revised Code, to the extent that the proposals or applications 15329
consist of trade secrets or other proprietary information. 15330

Any materials or data submitted to, made available to, or 15331
received by the department of development ~~services~~ ~~agency~~ or the 15332

director of the Ohio coal development office in connection with 15333
agreements for assistance entered into under this chapter or 15334
Chapter 1555. of the Revised Code, or any information taken from 15335
those materials or data for any purpose, to the extent that the 15336
materials or data consist of trade secrets or other proprietary 15337
information, are not public records for the purposes of section 15338
149.43 of the Revised Code. 15339

As used in this division, "trade secrets" has the same 15340
meaning as in section 1333.61 of the Revised Code. 15341

Sec. 1561.12. An applicant for any examination or certificate 15342
under this section shall, before being examined, register the 15343
applicant's name with the chief of the division of mineral 15344
resources management and file with the chief an affidavit as to 15345
all matters of fact establishing the applicant's right to receive 15346
the examination and a certificate from a reputable and 15347
disinterested physician as to the physical condition of the 15348
applicant showing that the applicant is physically capable of 15349
performing the duties of the office or position. 15350

Each applicant for examination for any of the following 15351
positions shall present evidence satisfactory to the chief that 15352
the applicant has been a resident and citizen of this state for 15353
two years next preceding the date of application: 15354

(A) An applicant for the position of deputy mine inspector of 15355
underground mines shall have had actual practical experience of 15356
not less than six years, ~~at least two of which shall have been in~~ 15357
~~the underground workings of mines in this state. In the case of an~~ 15358
~~applicant who would inspect underground coal mines, the two years~~ 15359
~~shall consist of actual practical experience in underground coal~~ 15360
~~mines. In the case of an applicant who would inspect noncoal~~ 15361
~~mines, the two years shall consist of actual practical experience~~ 15362
~~in noncoal mines~~ in underground mines. In lieu of two of the six 15363

years of ~~the~~ actual practical experience required in underground 15364
mines, the chief may accept as the equivalent thereof a 15365
certificate evidencing graduation from an accredited school of 15366
mines or mining, after a four-year course of study, ~~but such~~ 15367
~~credit shall not apply as to the two years' actual practical~~ 15368
~~experience required in the mines in this state.~~ 15369

The applicant shall pass an examination as to the applicant's 15370
practical and technological knowledge of mine surveying, mining 15371
machinery, and appliances; the proper development and operation of 15372
mines; the best methods of working and ventilating mines; the 15373
nature, properties, and powers of noxious, poisonous, and 15374
explosive gases, particularly methane; the best means and methods 15375
of detecting, preventing, and removing the accumulation of such 15376
gases; the use and operation of gas detecting devices and 15377
appliances; first aid to the injured; and the uses and dangers of 15378
electricity as applied and used in, at, and around mines. The 15379
applicant shall also hold a certificate for foreperson of gaseous 15380
mines issued by the chief. 15381

(B) An applicant for the position of deputy mine inspector of 15382
surface mines shall have had actual practical mining experience of 15383
not less than six years, ~~at least two of which shall have been in~~ 15384
surface mines ~~in this state~~. In lieu of two of the six years of 15385
~~the~~ actual practical experience required, the chief may accept as 15386
the equivalent thereof a certificate evidencing graduation from an 15387
accredited school of mines or mining, after a four-year course of 15388
study, ~~but that credit shall not apply as to the two years' actual~~ 15389
~~practical experience required in the mines in this state~~. The 15390
applicant shall pass an examination as to the applicant's 15391
practical and technological knowledge of surface mine surveying, 15392
machinery, and appliances; the proper development and operations 15393
of surface mines; first aid to the injured; and the use and 15394
dangers of explosives and electricity as applied and used in, at, 15395

and around surface mines. The applicant shall also hold a surface mine foreperson certificate issued by the chief. 15396
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(C) An applicant for the position of electrical inspector shall have had at least five years' practical experience in the installation and maintenance of electrical circuits and equipment in mines, and the applicant shall be thoroughly familiar with the principles underlying the safety features of permissible and approved equipment as authorized and used in mines. 15398
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The applicant shall be required to pass the examination required for deputy mine inspectors and an examination testing and determining the applicant's qualification and ability to competently inspect and administer the mining law that relates to electricity used in and around mines and mining in this state. 15404
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(D) An applicant for the position of superintendent or assistant superintendent of rescue stations shall possess the same qualifications as those required for a deputy mine inspector. In addition, the applicant shall present evidence satisfactory to the chief that the applicant is sufficiently qualified and trained to organize, supervise, and conduct group training classes in first aid, safety, and rescue work. 15409
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The applicant shall pass the examination required for deputy mine inspectors and shall be tested as to the applicant's practical and technological experience and training in first aid, safety, and mine rescue work. 15416
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(E) An applicant for the position of mine chemist shall have such educational training as is represented by the degree MS in chemistry from a university of recognized standing, and at least five years of actual practical experience in research work in chemistry or as an assistant chemist. The chief may provide that an equivalent combination of education and experience together with a wide knowledge of the methods of and skill in chemical 15420
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analysis and research may be accepted in lieu of the above 15427
qualifications. It is preferred that the chemist shall have had 15428
actual experience in mineralogy and metallurgy. 15429

Sec. 1561.23. (A) The chief of the division of mineral 15430
resources management shall issue the following certificates to 15431
those applicants who pass their examination: 15432

- ~~(A)~~(1) Certificates for mine forepersons of gaseous mines; 15433
- ~~(B)~~(2) Certificates for mine forepersons of nongaseous mines; 15434
- ~~(C)~~(3) Certificates for forepersons of gaseous mines; 15435
- ~~(D)~~(4) Certificates for forepersons of nongaseous mines; 15436
- ~~(E)~~(5) Certificates for forepersons of surface maintenance 15437
facilities of underground or surface mines; 15438
- ~~(F)~~(6) Certificates for mine forepersons of surface mines; 15439
- ~~(G)~~(7) Certificates for forepersons of surface mines; 15440
- ~~(H)~~(8) Certificates for fire bosses; 15441
- ~~(I)~~(9) Certificates for mine electricians; 15442
- ~~(J)~~(10) Certificates for surface mine blasters; 15443
- ~~(K)~~(11) Certificates for shot firers. 15444

(B) Applicants for certificates shall make application to the 15445
chief, on a form provided by the chief, for examination. All 15446
applicants shall be able to read and write the English language 15447
intelligently, and shall furnish the chief with a certificate as 15448
to the length and description of their practical experience and 15449
satisfactory evidence of their ability to perform the duties of 15450
the position for which they make application for examination. 15451

(C) The chief may issue a certificate to an applicant for 15452
mine foreperson, foreperson, or mine electrician who holds a valid 15453
certification or other authorization from a state with which the 15454

department of natural resources has a reciprocal agreement for the 15455
certification or other authorization. However, the applicant shall 15456
pass an examination on this chapter and rules adopted under it or 15457
on any other relevant material that the chief determines to be 15458
appropriate. 15459

A mine foreperson, foreperson, or mine electrician who has 15460
been issued a temporary certificate under section 1565.06 of the 15461
Revised Code prior to the effective date of this amendment and who 15462
holds a valid certification or other authorization from a state 15463
with which the department has a reciprocal agreement for the 15464
certification or other authorization may continue to operate under 15465
the temporary certificate until it expires or the chief suspends 15466
or revokes it. 15467

(D) Except as provided in sections 1561.16 and 1561.17 of the 15468
Revised Code, any certificate issued by the former mine examining 15469
board prior to October 29, 1995, shall remain in effect 15470
notwithstanding the new classifications of certificates 15471
established by this section. 15472

Sec. 1703.27. No foreign nonprofit corporation shall exercise 15473
its corporate privileges in this state in a continual course of 15474
transactions until it has first procured from the secretary of 15475
state a certificate authorizing it to do so. 15476

Before issuing such certificate, the secretary of state shall 15477
require such foreign corporation to file in the secretary of 15478
state's office a certificate of good standing or subsistence, 15479
setting forth the exact corporate title, the date of 15480
incorporation, and the fact that the corporation is in good 15481
standing or is a subsisting corporation, certified by the 15482
secretary of state, or other proper official, of the state under 15483
the laws of which the corporation was incorporated, and a 15484
statement, on a form prescribed by the secretary of state, 15485

verified by the oath of one of its officers, setting forth, but 15486
not limited to, the following: 15487

(A) The name of the corporation; 15488

(B) The state under the laws of which it is incorporated; 15489

(C) The location of its principal office; 15490

(D) The corporate privileges it proposes to exercise in this 15491
state; 15492

(E) ~~The location of its principal office in this state;~~ 15493

~~(F)~~ The appointment of a designated agent and the complete 15494
address of such agent, which shall comply with the requirements of 15495
section 1703.041 of the Revised Code; 15496

~~(G)~~(F) Its irrevocable consent to service of process on such 15497
agent so long as the authority of the agent continues and to 15498
service of process upon the secretary of state in the events 15499
provided for in section 1703.19 of the Revised Code. 15500

For the filing of that statement, the secretary of state 15501
shall charge and collect the fee specified in division (I)(1) of 15502
section 111.16 of the Revised Code. 15503

A foreign nonprofit corporation shall file an amendment with 15504
the secretary of state if there is a modification of any of the 15505
information required to be included in its statement, except for 15506
changes in information required by division ~~(F)~~(E) of this 15507
section, which shall be corrected in the same manner as described 15508
in section 1702.06 of the Revised Code. For the filing of those 15509
amendments and corrections, the secretary of state shall charge 15510
and collect the fee specified in division (B) or (R) of section 15511
111.16 of the Revised Code. 15512

Sections 1703.01 to 1703.31 of the Revised Code, governing 15513
foreign corporations for profit in respect to exemption from 15514
attachment, change of location of principal office, change of its 15515

designated agent or of the designated agent's address, service on 15516
the secretary of state, license certificate as prima-facie 15517
evidence, proof of due incorporation, filing of amendments 15518
evidencing changes of corporate name, merger, or consolidation, 15519
filing of certificate of surrender, service on retired 15520
corporation, and penalties or forfeitures for transacting business 15521
without license, for false reports, and for failure to comply with 15522
other applicable provisions of such sections, shall also apply to 15523
foreign nonprofit corporations. 15524

The secretary of state may require further reports, 15525
certificates, or information from a foreign nonprofit corporation, 15526
including verification of the continued existence of the 15527
corporation. Upon the failure of any corporation to provide the 15528
information, the secretary of state shall give notice of the 15529
failure by certified mail and, if the report is not filed within 15530
thirty days after the mailing of the notice, the license of the 15531
corporation to exercise its corporate privileges in this state 15532
shall expire and the secretary of state shall make a notation to 15533
that effect on the secretary of state's records. 15534

Sec. 1707.37. (A) All fees and charges collected under this 15535
chapter shall be paid into the state treasury to the credit of the 15536
division of securities fund, which is hereby created. All expenses 15537
of the division of securities, other than those specified in 15538
division (B) of this section, shall be paid from the fund. 15539

The fund shall be assessed a proportionate share of the 15540
administrative costs of the department of commerce in accordance 15541
with procedures prescribed by the director of commerce ~~and~~ 15542
~~approved by the director of budget and management.~~ The assessments 15543
shall be paid from the division of securities fund to the division 15544
of administration fund. 15545

If moneys in the division of securities fund are determined 15546

by the director of budget and management and the director of 15547
commerce to be in excess of those necessary to defray all the 15548
expenses in any fiscal year, the director of budget and management 15549
shall transfer the excess to the general revenue fund. 15550

(B) There is hereby created in the state treasury the 15551
division of securities investor education and enforcement expense 15552
fund, which shall consist of all money received in settlement of 15553
any violation of this chapter and any cash transfers. Money in the 15554
fund shall be used to pay expenses of the division of securities 15555
relating to education or enforcement for the protection of 15556
securities investors and the public. The division may adopt rules 15557
pursuant to section 1707.20 of the Revised Code that establish 15558
what qualifies as such an expense. 15559

Sec. 1707.47. (A) As used in this section and section 15560
1707.471 of the Revised Code: 15561

(1) "Claimant" means a person that files an application for 15562
restitution assistance on behalf of a victim. 15563

(2) "Final order" means a final administrative order issued 15564
by the division of securities or a final court order in a civil or 15565
criminal proceeding initiated by the division. 15566

(3) "Victim" means a purchaser identified in a final order 15567
that has suffered a pecuniary loss as the result of a violation of 15568
this chapter or any rules adopted thereunder, or, in the case of a 15569
deceased purchaser so identified, the purchaser's surviving spouse 15570
or dependent children. 15571

(B) There is hereby created in the state treasury the Ohio 15572
investor recovery fund, which shall consist of all cash transfers 15573
from the division of securities fund, created in section 1707.37 15574
of the Revised Code, not to exceed an aggregate total of two 15575
million five hundred thousand dollars in any fiscal year. Money in 15576

the Ohio investor recovery fund shall be used for the purposes 15577
identified in division (C) of this section. 15578

(C) The division shall use the Ohio investor recovery fund 15579
only to pay awards of restitution assistance and any expenses 15580
incurred in administering this section. 15581

(D)(1) If the Ohio investor recovery fund is reduced below 15582
two hundred fifty thousand dollars due to payment in full of 15583
restitution assistance awards that become final during a month, 15584
the division shall suspend payment of further claims that become 15585
final during that month and the following two months. 15586

(2) At the end of the suspension period described in division 15587
(D)(1) of this section, the division shall pay the suspended 15588
claims. If the Ohio investor recovery fund would be exhausted by 15589
payment in full of the suspended claims, the amount paid to each 15590
claimant shall be prorated according to the amount remaining in 15591
the Ohio investor recovery fund at the end of the suspension 15592
period. 15593

(E) The state shall not be liable for a determination made by 15594
the division under this section except to the extent that money is 15595
available in the Ohio investor recovery fund on the date the award 15596
is calculated. 15597

(F) The following victims are eligible for restitution 15598
assistance: 15599

(1) A natural person who is a resident of this state; 15600

(2) A person, other than a natural person, that is domiciled 15601
in Ohio. 15602

(G) The division shall not award restitution assistance as 15603
follows: 15604

(1) To more than one claimant per victim; 15605

(2) To a claimant on behalf of a victim that has received the 15606

full amount of restitution owed from the person ordered to pay 15607
restitution to the victim in the final order before the 15608
application for restitution assistance from the fund is filed; 15609

(3) To a claimant if the final order identifies no pecuniary 15610
loss to the victim on whose behalf the application is made; 15611

(4) To a claimant on behalf of a victim that assisted in the 15612
commission of the violation of this chapter; 15613

(5) If the portion of the final order giving rise to a 15614
restitution order or otherwise establishing a pecuniary loss to 15615
the victim is overturned on appeal. 15616

(H) If, after the division has made a restitution assistance 15617
award from the Ohio investor recovery fund under this section, the 15618
restitution award in the final order is overturned on appeal and 15619
all legal remedies have been exhausted, then the claimant shall 15620
forfeit the restitution assistance award. 15621

Sec. 1707.471. (A) A person that is eligible for a 15622
restitution assistance award under section 1707.47 of the Revised 15623
Code may submit an application for restitution assistance to the 15624
division in a manner and form prescribed by the division of 15625
securities. 15626

(B) To receive a restitution assistance award, the claimant 15627
shall submit an application to the division within one hundred 15628
eighty days after the date of the final order. The division may 15629
grant an extension for good cause shown by the claimant. In no 15630
case shall the division accept an application that is received 15631
more than two years after the date of the final order. 15632

(C) The maximum award from the Ohio investor recovery fund 15633
created in section 1707.47 of the Revised Code for each claimant 15634
shall be the lesser of twenty-five thousand dollars or twenty-five 15635
per cent of the amount of monetary injury suffered by the victim 15636

as specified in the final order. 15637

(D) The state is subrogated to the rights of the person 15638
awarded restitution assistance under section 1707.47 of the 15639
Revised Code to the extent of the award. The subrogation rights 15640
are against the person that committed the securities violation or 15641
a person liable for the pecuniary loss. 15642

(E) The state may obtain a lien on the restitution assistance 15643
award in a separation action brought by the state or through state 15644
intervention in an action brought by or on behalf of the victim. 15645

(F)(1) No claimant shall knowingly file or cause to be filed 15646
an application for restitution assistance or documents supporting 15647
the application that contain false, incomplete, or misleading 15648
information in any material respect. 15649

(2) A claimant that violates division (F)(1) of this section 15650
shall forfeit all restitution assistance provided from the fund 15651
and shall be fined not more than ten thousand dollars by the 15652
division. 15653

(3) Notwithstanding section 1707.28 of the Revised Code, a 15654
proceeding to determine whether a violation of division (F)(1) of 15655
this section occurred shall be commenced not later than two years 15656
after the date on which the division discovered the violation or 15657
through reasonable diligence should have discovered the violation, 15658
whichever is earlier. 15659

(G) The division shall adopt rules as necessary to implement 15660
sections 1707.47 and 1707.471 of the Revised Code, including rules 15661
governing the processes for both of the following: 15662

(1) Reviewing applications for restitution assistance awards; 15663

(2) Suspending awards or making a prorated payment of awards 15664
when the fund balance approaches or reaches a balance below two 15665
hundred fifty thousand dollars. 15666

<u>Sec. 1707.49. (A) As used in this section:</u>	15667
<u>(1) "Eligible adult" means either of the following:</u>	15668
<u>(a) A person sixty years of age or older;</u>	15669
<u>(b) A person eligible to receive protective services pursuant</u> <u>to sections 5101.60 to 5101.71 of the Revised Code.</u>	15670 15671
<u>(2) "Financial exploitation" means either of the following:</u>	15672
<u>(a) The wrongful or unauthorized taking, withholding,</u> <u>directing, appropriation, or use of money, assets, or property of</u> <u>an eligible adult;</u>	15673 15674 15675
<u>(b) Any act or omission by a person, including through the</u> <u>use of a power of attorney or guardianship of an eligible adult,</u> <u>to do either of the following:</u>	15676 15677 15678
<u>(i) Obtain control, through deception, intimidation, or undue</u> <u>influence, money, assets, or property of an eligible adult and</u> <u>thereby deprive the eligible adult of the ownership, use, benefit,</u> <u>or possession of the money, assets, or property;</u>	15679 15680 15681 15682
<u>(ii) Convert money, assets, or property of an eligible adult</u> <u>and thereby deprive the eligible adult of the ownership, use,</u> <u>benefit, or possession of the money, assets, or property.</u>	15683 15684 15685
<u>(B) If an employee of a dealer or investment adviser has</u> <u>reasonable cause to believe that an eligible adult who is an</u> <u>account holder may be subject to past, current, or attempted</u> <u>financial exploitation, then both of the following apply:</u>	15686 15687 15688 15689
<u>(1) The employee shall follow any internal written policy,</u> <u>program, plan, or procedure adopted by the dealer or investment</u> <u>adviser for the purpose of establishing protocols for the</u> <u>reporting of past, current, or attempted financial exploitation.</u>	15690 15691 15692 15693
<u>(2) The dealer or investment adviser may place a hold on any</u> <u>transaction impacted by the past, current, or attempted financial</u>	15694 15695

exploitation for a period of time not to exceed fifteen business days. 15696
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(C) A dealer or investment adviser shall report any transactional hold placed pursuant to division (B)(2) of this section, along with a summary of the facts and circumstances leading up to the hold, in writing immediately to the division and the county department of job and family services for the county in which the eligible adult resides. 15698
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(D) A dealer or investment adviser making a report to the division and the county department of job and family services pursuant to division (C) of this section may continue the transactional hold for up to another fifteen business days at the request of an investigating federal or state agency or if the dealer or investment adviser has not heard from either the division or the county department of job and family services within the initial fifteen-day hold period. Nothing in this section shall be construed as limiting a dealer's or investment adviser's ability to seek injunctive relief from a court of competent jurisdiction at any time for any past, current, or attempted financial exploitation. 15704
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(E) Any person participating in good faith in making a report or placing a transactional hold pursuant to this section is immune from any civil or administrative liability arising from the report or hold. 15716
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(F) Any record made available to a state agency under this section shall be considered an investigative record pursuant to division (B) of section 1707.12 of the Revised Code. Any record of a transactional hold, any report relating to the hold, and any notification of the hold shall be maintained by the dealer or investment adviser for not less than five years. 15720
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Sec. 1710.01. As used in this chapter: 15726

(A) "Special improvement district" means a special improvement district organized under this chapter.	15727 15728
(B) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed for the private profit of any person.	15729 15730 15731 15732
(C) "Church property" means property that is described as being exempt from taxation under division (A)(2) of section 5709.07 of the Revised Code and that the county auditor has entered on the exempt list compiled under section 5713.07 of the Revised Code.	15733 15734 15735 15736 15737
(D) "Municipal executive" means the mayor, city manager, or other chief executive officer of the municipal corporation in which a special improvement district is located.	15738 15739 15740
(E) "Participating political subdivision" means the municipal corporation or township, or each of the municipal corporations or townships, that has territory within the boundaries of a special improvement district created under this chapter.	15741 15742 15743 15744
(F) "Legislative authority of a participating political subdivision" means, with reference to a township, the board of township trustees.	15745 15746 15747
(G) "Public improvement" means the planning, design, construction, reconstruction, enlargement, or alteration of any facility or improvement, including the acquisition of land, for which a special assessment may be levied under Chapter 727. of the Revised Code, and includes any special energy improvement project or shoreline improvement project.	15748 15749 15750 15751 15752 15753
(H) "Public service" means any service that can be provided by a municipal corporation or any service for which a special assessment may be levied under Chapter 727. of the Revised Code.	15754 15755 15756

(I) "Special energy improvement project" means any property, 15757
device, structure, or equipment necessary for the acquisition, 15758
installation, equipping, and improvement of any real or personal 15759
property used for the purpose of creating a solar photovoltaic 15760
project, a solar thermal energy project, a geothermal energy 15761
project, a customer-generated energy project, or an energy 15762
efficiency improvement, whether such real or personal property is 15763
publicly or privately owned. 15764

(J) "Existing qualified nonprofit corporation" means a 15765
nonprofit corporation that existed before the creation of the 15766
corresponding district under this chapter, that is composed of 15767
members located within or adjacent to the district, that has 15768
established a police department under section 1702.80 of the 15769
Revised Code, and that is organized for purposes that include 15770
acquisition of real property within an area specified by its 15771
articles for the subsequent transfer of such property to its 15772
members exclusively for charitable, scientific, literary, or 15773
educational purposes, or holding and maintaining and leasing such 15774
property; planning for and assisting in the development of its 15775
members; providing for the relief of the poor and distressed or 15776
underprivileged in the area and adjacent areas; combating 15777
community deterioration and lessening the burdens of government; 15778
providing or assisting others in providing housing for low- or 15779
moderate-income persons; and assisting its members by the 15780
provision of public safety and security services, parking 15781
facilities, transit service, landscaping, and parks. 15782

(K) "Energy efficiency improvement" means energy efficiency 15783
technologies, products, and activities that reduce or support the 15784
reduction of energy consumption, allow for the reduction in 15785
demand, or support the production of clean, renewable energy and 15786
that are or will be permanently fixed to real property. 15787

(L) "Customer-generated energy project" means a wind, 15788

biomass, or gasification facility for the production of 15789
electricity that meets either of the following requirements: 15790

(1) The facility is designed to have a generating capacity of 15791
two hundred fifty kilowatts of electricity or less. 15792

(2) The facility is: 15793

(a) Designed to have a generating capacity of more than two 15794
hundred fifty kilowatts of electricity; 15795

(b) Operated in parallel with electric transmission and 15796
distribution facilities serving the real property at the site of 15797
the customer-generated energy project; 15798

(c) Intended primarily to offset part or all of the facility 15799
owner's requirements for electricity at the site of the 15800
customer-generated energy project and is located on the facility 15801
owner's real property; and 15802

(d) Not producing energy for direct sale by the facility 15803
owner to the public. 15804

(M) "Reduction in demand" means a change in customer behavior 15805
or a change in customer-owned or operated assets that reduces or 15806
has the capability to reduce the demand for electricity as a 15807
result of price signals or other incentives. 15808

(N) "Electric distribution utility" and "mercantile customer" 15809
have the same meanings as in section 4928.01 of the Revised Code. 15810

(O) "Shoreline improvement project" means acquiring, 15811
constructing, installing, equipping, improving, maintaining, or 15812
repairing real or tangible personal property necessary or useful 15813
for making improvements to abate erosion along either the Lake 15814
Erie shoreline or any water resource. 15815

(P) "Water resource" has the same meaning as in section 15816
6105.01 of the Revised Code. 15817

Sec. 1733.321. All fees, charges, and forfeitures collected 15818
under this chapter shall be paid to the superintendent of 15819
financial institutions, who shall deposit them into the state 15820
treasury to the credit of the credit unions fund, which is hereby 15821
established, and may be expended or obligated by the 15822
superintendent for the defrayment of the costs of regulation of 15823
credit unions. All actual and necessary expenses incurred by the 15824
superintendent, including any services rendered by the department 15825
of commerce for the benefit of credit unions, shall be paid from 15826
the fund. The fund shall be assessed a proportionate share of the 15827
administrative costs of the department of commerce and the 15828
division of financial institutions. The proportionate share of the 15829
administrative costs of the division of financial institutions 15830
shall be determined in accordance with procedures prescribed by 15831
the superintendent ~~and approved by the director of budget and~~ 15832
~~management~~. Such assessment shall be paid from the credit unions 15833
fund to the division of administration fund or the financial 15834
institutions fund. 15835

Sec. 1907.15. (A)(1) In counties having more than one county 15836
court judge, ~~subject to division (A)(2) of this section,~~ the 15837
presiding judge of the county court may divide the county court 15838
district into areas of separate jurisdiction and may designate the 15839
location at which each judge shall hold court. Except in county 15840
court districts exceeding one hundred twenty thousand population, 15841
each area of separate jurisdiction shall be made up of one or more 15842
townships. In assigning areas of separate jurisdiction, the 15843
presiding judge shall make each area of separate jurisdiction as 15844
equal in population and case load to others in the district as is 15845
possible under existing conditions. 15846

Whenever the territory of a county court district is reduced 15847
by the territorial expansion of municipal court jurisdiction, the 15848

presiding judge may redetermine areas of separate jurisdiction 15849
and, if necessary, reassign areas so as to make each area of 15850
separate jurisdiction as equal in population and case load to 15851
others in the district as is possible under the altered 15852
conditions. 15853

In county court districts exceeding one hundred twenty 15854
thousand population, ~~subject to division (A)(2) of this section,~~ 15855
the presiding judge of the county court may assign more than one 15856
county court judge to an area of separate jurisdiction. In any 15857
county court district of that nature, ~~subject to division (A)(2)~~ 15858
~~of this section,~~ the presiding judge from time to time may assign 15859
a judge from one area of separate jurisdiction to another area of 15860
separate jurisdiction and redetermine and reassign areas of 15861
separate jurisdiction. Upon that redetermination and reassignment, 15862
the presiding judge shall consider, in addition to population, the 15863
case load of each area of separate jurisdiction. 15864

~~(2) The presiding judge of the county court of Jefferson 15865
county shall determine areas of separate jurisdiction for the 15866
judges of the Jefferson county county court in the manner 15867
described in division (A)(1) of this section but subject to the 15868
provisions of this division governing the location in which each 15869
judge shall hold court. The judge of the Jefferson county county 15870
court whose term commences January 1, 1993, and that judge's 15871
successors, shall hold court in Wintersville or Cross Creek 15872
township. The judge of the Jefferson county county court whose 15873
term commences January 1, 1995, and that judge's successors, shall 15874
hold court in Dillonvale. The judge of the Jefferson county county 15875
court whose term commences January 2, 1995, and that judge's 15876
successors, shall hold court in Toronto. 15877~~

~~(3) In counties having only one county court judge, the area 15878
of jurisdiction shall consist of the entire county court district, 15879
and the county court judge, with the concurrence of the board of 15880~~

county commissioners, shall designate the location at which the judge shall hold court. 15881
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(B) The jurisdiction of each county court judge shall be coextensive with the boundaries of the county court district. 15883
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Sec. 2133.01. Unless the context otherwise requires, as used in sections 2133.01 to 2133.15 of the Revised Code: 15885
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(A) "Adult" means an individual who is eighteen years of age or older. 15887
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(B) "Attending physician" means the physician to whom a declarant or other patient, or the family of a declarant or other patient, has assigned primary responsibility for the treatment or care of the declarant or other patient, or, if the responsibility has not been assigned, the physician who has accepted that responsibility. 15889
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(C) "Comfort care" means any of the following: 15895

(1) Nutrition when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death; 15896
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(2) Hydration when administered to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death; 15899
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(3) Any other medical or nursing procedure, treatment, intervention, or other measure that is taken to diminish the pain or discomfort of a declarant or other patient, but not to postpone the declarant's or other patient's death. 15902
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(D) "Consulting physician" means a physician who, in conjunction with the attending physician of a declarant or other patient, makes one or more determinations that are required to be made by the attending physician, or to be made by the attending physician and one other physician, by an applicable provision of 15906
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this chapter, to a reasonable degree of medical certainty and in accordance with reasonable medical standards. 15911
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(E) "Declarant" means any adult who has executed a declaration in accordance with section 2133.02 of the Revised Code. 15913
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(F) "Declaration" means a written document executed in accordance with section 2133.02 of the Revised Code. 15916
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(G) "Durable power of attorney for health care" means a document created pursuant to sections 1337.11 to 1337.17 of the Revised Code. 15918
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(H) "Guardian" means a person appointed by a probate court pursuant to Chapter 2111. of the Revised Code to have the care and management of the person of an incompetent. 15921
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(I) "Health care facility" means any of the following: 15924

(1) A hospital; 15925

(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state; 15926
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(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code; 15929
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(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency; 15931
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(5) An intermediate care facility for individuals with intellectual disabilities. 15934
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(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending 15936
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physician, and administrators of health care facilities.	15941
(K) "Home health agency" has the same meaning as in section	15942
3701.881 <u>3740.01</u> of the Revised Code.	15943
(L) "Hospice care program" and "pediatric respite care	15944
program" have the same meanings as in section 3712.01 of the	15945
Revised Code.	15946
(M) "Hospital" has the same meanings as in sections 3701.01,	15947
3727.01, and 5122.01 of the Revised Code.	15948
(N) "Hydration" means fluids that are artificially or	15949
technologically administered.	15950
(O) "Incompetent" has the same meaning as in section 2111.01	15951
of the Revised Code.	15952
(P) "Intermediate care facility for the individuals with	15953
intellectual disabilities" has the same meaning as in section	15954
5124.01 of the Revised Code.	15955
(Q) "Life-sustaining treatment" means any medical procedure,	15956
treatment, intervention, or other measure that, when administered	15957
to a qualified patient or other patient, will serve principally to	15958
prolong the process of dying.	15959
(R) "Nurse" means a person who is licensed to practice	15960
nursing as a registered nurse or to practice practical nursing as	15961
a licensed practical nurse pursuant to Chapter 4723. of the	15962
Revised Code.	15963
(S) "Nursing home" has the same meaning as in section 3721.01	15964
of the Revised Code.	15965
(T) "Nutrition" means sustenance that is artificially or	15966
technologically administered.	15967
(U) "Permanently unconscious state" means a state of	15968
permanent unconsciousness in a declarant or other patient that, to	15969
a reasonable degree of medical certainty as determined in	15970

accordance with reasonable medical standards by the declarant's or 15971
other patient's attending physician and one other physician who 15972
has examined the declarant or other patient, is characterized by 15973
both of the following: 15974

(1) Irreversible unawareness of one's being and environment. 15975

(2) Total loss of cerebral cortical functioning, resulting in 15976
the declarant or other patient having no capacity to experience 15977
pain or suffering. 15978

(V) "Person" has the same meaning as in section 1.59 of the 15979
Revised Code and additionally includes political subdivisions and 15980
governmental agencies, boards, commissions, departments, 15981
institutions, offices, and other instrumentalities. 15982

(W) "Physician" means a person who is authorized under 15983
Chapter 4731. of the Revised Code to practice medicine and surgery 15984
or osteopathic medicine and surgery. 15985

(X) "Political subdivision" and "state" have the same 15986
meanings as in section 2744.01 of the Revised Code. 15987

(Y) "Professional disciplinary action" means action taken by 15988
the board or other entity that regulates the professional conduct 15989
of health care personnel, including the state medical board and 15990
the board of nursing. 15991

(Z) "Qualified patient" means an adult who has executed a 15992
declaration and has been determined to be in a terminal condition 15993
or in a permanently unconscious state. 15994

(AA) "Terminal condition" means an irreversible, incurable, 15995
and untreatable condition caused by disease, illness, or injury 15996
from which, to a reasonable degree of medical certainty as 15997
determined in accordance with reasonable medical standards by a 15998
declarant's or other patient's attending physician and one other 15999
physician who has examined the declarant or other patient, both of 16000

the following apply: 16001

(1) There can be no recovery. 16002

(2) Death is likely to occur within a relatively short time 16003
if life-sustaining treatment is not administered. 16004

(BB) "Tort action" means a civil action for damages for 16005
injury, death, or loss to person or property, other than a civil 16006
action for damages for breach of a contract or another agreement 16007
between persons. 16008

Sec. 2151.011. (A) As used in the Revised Code: 16009

(1) "Juvenile court" means whichever of the following is 16010
applicable that has jurisdiction under this chapter and Chapter 16011
2152. of the Revised Code: 16012

(a) The division of the court of common pleas specified in 16013
section 2101.022 or 2301.03 of the Revised Code as having 16014
jurisdiction under this chapter and Chapter 2152. of the Revised 16015
Code or as being the juvenile division or the juvenile division 16016
combined with one or more other divisions; 16017

(b) The juvenile court of Cuyahoga county or Hamilton county 16018
that is separately and independently created by section 2151.08 or 16019
Chapter 2153. of the Revised Code and that has jurisdiction under 16020
this chapter and Chapter 2152. of the Revised Code; 16021

(c) If division (A)(1)(a) or (b) of this section does not 16022
apply, the probate division of the court of common pleas. 16023

(2) "Juvenile judge" means a judge of a court having 16024
jurisdiction under this chapter. 16025

(3) "Private child placing agency" means any association, as 16026
defined in section 5103.02 of the Revised Code, that is certified 16027
under section 5103.03 of the Revised Code to accept temporary, 16028
permanent, or legal custody of children and place the children for 16029

either foster care or adoption. 16030

(4) "Private noncustodial agency" means any person, 16031
organization, association, or society certified by the department 16032
of job and family services that does not accept temporary or 16033
permanent legal custody of children, that is privately operated in 16034
this state, and that does one or more of the following: 16035

(a) Receives and cares for children for two or more 16036
consecutive weeks; 16037

(b) Participates in the placement of children in certified 16038
foster homes; 16039

(c) Provides adoption services in conjunction with a public 16040
children services agency or private child placing agency. 16041

(B) As used in this chapter: 16042

(1) "Adequate parental care" means the provision by a child's 16043
parent or parents, guardian, or custodian of adequate food, 16044
clothing, and shelter to ensure the child's health and physical 16045
safety and the provision by a child's parent or parents of 16046
specialized services warranted by the child's physical or mental 16047
needs. 16048

(2) "Adult" means an individual who is eighteen years of age 16049
or older. 16050

(3) "Agreement for temporary custody" means a voluntary 16051
agreement authorized by section 5103.15 of the Revised Code that 16052
transfers the temporary custody of a child to a public children 16053
services agency or a private child placing agency. 16054

(4) "Alternative response" means the public children services 16055
agency's response to a report of child abuse or neglect that 16056
engages the family in a comprehensive evaluation of child safety, 16057
risk of subsequent harm, and family strengths and needs and that 16058
does not include a determination as to whether child abuse or 16059

neglect occurred. 16060

(5) "Certified foster home" means a foster home, as defined 16061
in section 5103.02 of the Revised Code, certified under section 16062
5103.03 of the Revised Code. 16063

(6) "Child" means a person who is under eighteen years of 16064
age, except that the juvenile court has jurisdiction over any 16065
person who is adjudicated an unruly child prior to attaining 16066
eighteen years of age until the person attains twenty-one years of 16067
age, and, for purposes of that jurisdiction related to that 16068
adjudication, a person who is so adjudicated an unruly child shall 16069
be deemed a "child" until the person attains twenty-one years of 16070
age. 16071

(7) "Child day camp," "child care," "child day-care center," 16072
"part-time child day-care center," "type A family day-care home," 16073
"licensed type B family day-care home," "type B family day-care 16074
home," "administrator of a child day-care center," "administrator 16075
of a type A family day-care home," and "in-home aide" have the 16076
same meanings as in section 5104.01 of the Revised Code. 16077

(8) "Child care provider" means an individual who is a 16078
child-care staff member or administrator of a child day-care 16079
center, a type A family day-care home, or a type B family day-care 16080
home, or an in-home aide or an individual who is licensed, is 16081
regulated, is approved, operates under the direction of, or 16082
otherwise is certified by the department of job and family 16083
services, department of developmental disabilities, or the early 16084
childhood programs of the department of education. 16085

(9) "Commit" means to vest custody as ordered by the court. 16086

(10) "Counseling" includes both of the following: 16087

(a) General counseling services performed by a public 16088
children services agency or shelter for victims of domestic 16089
violence to assist a child, a child's parents, and a child's 16090

siblings in alleviating identified problems that may cause or have 16091
caused the child to be an abused, neglected, or dependent child. 16092

(b) Psychiatric or psychological therapeutic counseling 16093
services provided to correct or alleviate any mental or emotional 16094
illness or disorder and performed by a licensed psychiatrist, 16095
licensed psychologist, or a person licensed under Chapter 4757. of 16096
the Revised Code to engage in social work or professional 16097
counseling. 16098

(11) "Custodian" means a person who has legal custody of a 16099
child or a public children services agency or private child 16100
placing agency that has permanent, temporary, or legal custody of 16101
a child. 16102

(12) "Delinquent child" has the same meaning as in section 16103
2152.02 of the Revised Code. 16104

(13) "Detention" means the temporary care of children pending 16105
court adjudication or disposition, or execution of a court order, 16106
in a public or private facility designed to physically restrict 16107
the movement and activities of children. 16108

(14) "Developmental disability" has the same meaning as in 16109
section 5123.01 of the Revised Code. 16110

(15) "Differential response approach" means an approach that 16111
a public children services agency may use to respond to accepted 16112
reports of child abuse or neglect with either an alternative 16113
response or a traditional response. 16114

(16) "Foster caregiver" has the same meaning as in section 16115
5103.02 of the Revised Code. 16116

(17) "Guardian" means a person, association, or corporation 16117
that is granted authority by a probate court pursuant to Chapter 16118
2111. of the Revised Code to exercise parental rights over a child 16119
to the extent provided in the court's order and subject to the 16120

residual parental rights of the child's parents. 16121

(18) "Habitual truant" means any child of compulsory school 16122
age who is absent without legitimate excuse for absence from the 16123
public school the child is supposed to attend for thirty or more 16124
consecutive hours, forty-two or more hours in one school month, or 16125
seventy-two or more hours in a school year. 16126

(19) "Intellectual disability" has the same meaning as in 16127
section 5123.01 of the Revised Code. 16128

(20) "Juvenile traffic offender" has the same meaning as in 16129
section 2152.02 of the Revised Code. 16130

(21) "Legal custody" means a legal status that vests in the 16131
custodian the right to have physical care and control of the child 16132
and to determine where and with whom the child shall live, and the 16133
right and duty to protect, train, and discipline the child and to 16134
provide the child with food, shelter, education, and medical care, 16135
all subject to any residual parental rights, privileges, and 16136
responsibilities. An individual granted legal custody shall 16137
exercise the rights and responsibilities personally unless 16138
otherwise authorized by any section of the Revised Code or by the 16139
court. 16140

(22) A "legitimate excuse for absence from the public school 16141
the child is supposed to attend" includes, but is not limited to, 16142
any of the following: 16143

(a) The fact that the child in question has enrolled in and 16144
is attending another public or nonpublic school in this or another 16145
state; 16146

(b) The fact that the child in question is excused from 16147
attendance at school for any of the reasons specified in section 16148
3321.04 of the Revised Code; 16149

(c) The fact that the child in question has received an age 16150

and schooling certificate in accordance with section 3331.01 of 16151
the Revised Code. 16152

(23) "Mental illness" has the same meaning as in section 16153
5122.01 of the Revised Code. 16154

(24) "Mental injury" means any behavioral, cognitive, 16155
emotional, or mental disorder in a child caused by an act or 16156
omission that is described in section 2919.22 of the Revised Code 16157
and is committed by the parent or other person responsible for the 16158
child's care. 16159

(25) "Nonsecure care, supervision, or training" means care, 16160
supervision, or training of a child in a facility that does not 16161
confine or prevent movement of the child within the facility or 16162
from the facility. 16163

(26) "Of compulsory school age" has the same meaning as in 16164
section 3321.01 of the Revised Code. 16165

(27) "Organization" means any institution, public, 16166
semipublic, or private, and any private association, society, or 16167
agency located or operating in the state, incorporated or 16168
unincorporated, having among its functions the furnishing of 16169
protective services or care for children, or the placement of 16170
children in certified foster homes or elsewhere. 16171

(28) "Out-of-home care" means detention facilities, shelter 16172
facilities, certified children's crisis care facilities, certified 16173
foster homes, placement in a prospective adoptive home prior to 16174
the issuance of a final decree of adoption, organizations, 16175
certified organizations, child day-care centers, type A family 16176
day-care homes, type B family day-care homes, child care provided 16177
by in-home aides, group home providers, group homes, institutions, 16178
state institutions, residential facilities, residential care 16179
facilities, residential camps, day camps, private, nonprofit 16180
therapeutic wilderness camps, public schools, chartered nonpublic 16181

schools, educational service centers, hospitals, and medical 16182
clinics that are responsible for the care, physical custody, or 16183
control of children. 16184

(29) "Out-of-home care child abuse" means any of the 16185
following when committed by a person responsible for the care of a 16186
child in out-of-home care: 16187

(a) Engaging in sexual activity with a child in the person's 16188
care; 16189

(b) Denial to a child, as a means of punishment, of proper or 16190
necessary subsistence, education, medical care, or other care 16191
necessary for a child's health; 16192

(c) Use of restraint procedures on a child that cause injury 16193
or pain; 16194

(d) Administration of prescription drugs or psychotropic 16195
medication to the child without the written approval and ongoing 16196
supervision of a licensed physician; 16197

(e) Commission of any act, other than by accidental means, 16198
that results in any injury to or death of the child in out-of-home 16199
care or commission of any act by accidental means that results in 16200
an injury to or death of a child in out-of-home care and that is 16201
at variance with the history given of the injury or death. 16202

(30) "Out-of-home care child neglect" means any of the 16203
following when committed by a person responsible for the care of a 16204
child in out-of-home care: 16205

(a) Failure to provide reasonable supervision according to 16206
the standards of care appropriate to the age, mental and physical 16207
condition, or other special needs of the child; 16208

(b) Failure to provide reasonable supervision according to 16209
the standards of care appropriate to the age, mental and physical 16210
condition, or other special needs of the child, that results in 16211

sexual or physical abuse of the child by any person;	16212
(c) Failure to develop a process for all of the following:	16213
(i) Administration of prescription drugs or psychotropic drugs for the child;	16214 16215
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	16216 16217
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	16218 16219 16220
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	16221 16222 16223
(e) Confinement of the child to a locked room without monitoring by staff;	16224 16225
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	16226 16227
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	16228 16229 16230
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.	16231 16232 16233 16234 16235 16236
(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.	16237 16238 16239 16240 16241

(33) "Person" means an individual, association, corporation, 16242
or partnership and the state or any of its political subdivisions, 16243
departments, or agencies. 16244

(34) "Person responsible for a child's care in out-of-home 16245
care" means any of the following: 16246

(a) Any foster caregiver, in-home aide, or provider; 16247

(b) Any administrator, employee, or agent of any of the 16248
following: a public or private detention facility; shelter 16249
facility; certified children's crisis care facility; organization; 16250
certified organization; child day-care center; type A family 16251
day-care home; licensed type B family day-care home; group home; 16252
institution; state institution; residential facility; residential 16253
care facility; residential camp; day camp; school district; 16254
community school; chartered nonpublic school; educational service 16255
center; hospital; or medical clinic; 16256

(c) Any person who supervises or coaches children as part of 16257
an extracurricular activity sponsored by a school district, public 16258
school, or chartered nonpublic school; 16259

(d) Any other person who performs a similar function with 16260
respect to, or has a similar relationship to, children. 16261

(35) "Physical impairment" means having one or more of the 16262
following conditions that substantially limit one or more of an 16263
individual's major life activities, including self-care, receptive 16264
and expressive language, learning, mobility, and self-direction: 16265

(a) A substantial impairment of vision, speech, or hearing; 16266

(b) A congenital orthopedic impairment; 16267

(c) An orthopedic impairment caused by disease, rheumatic 16268
fever or any other similar chronic or acute health problem, or 16269
amputation or another similar cause. 16270

(36) "Placement for adoption" means the arrangement by a 16271

public children services agency or a private child placing agency 16272
with a person for the care and adoption by that person of a child 16273
of whom the agency has permanent custody. 16274

(37) "Placement in foster care" means the arrangement by a 16275
public children services agency or a private child placing agency 16276
for the out-of-home care of a child of whom the agency has 16277
temporary custody or permanent custody. 16278

(38) "Planned permanent living arrangement" means an order of 16279
a juvenile court pursuant to which both of the following apply: 16280

(a) The court gives legal custody of a child to a public 16281
children services agency or a private child placing agency without 16282
the termination of parental rights. 16283

(b) The order permits the agency to make an appropriate 16284
placement of the child and to enter into a written agreement with 16285
a foster care provider or with another person or agency with whom 16286
the child is placed. 16287

(39) "Practice of social work" and "practice of professional 16288
counseling" have the same meanings as in section 4757.01 of the 16289
Revised Code. 16290

(40) "Private, nonprofit therapeutic wilderness camp" has the 16291
same meaning as in section 5103.02 of the Revised Code. 16292

(41) "Sanction, service, or condition" means a sanction, 16293
service, or condition created by court order following an 16294
adjudication that a child is an unruly child that is described in 16295
division (A)(4) of section 2152.19 of the Revised Code. 16296

(42) "Protective supervision" means an order of disposition 16297
pursuant to which the court permits an abused, neglected, 16298
dependent, or unruly child to remain in the custody of the child's 16299
parents, guardian, or custodian and stay in the child's home, 16300
subject to any conditions and limitations upon the child, the 16301

child's parents, guardian, or custodian, or any other person that 16302
the court prescribes, including supervision as directed by the 16303
court for the protection of the child. 16304

(43) "Psychiatrist" has the same meaning as in section 16305
5122.01 of the Revised Code. 16306

(44) "Psychologist" has the same meaning as in section 16307
4732.01 of the Revised Code. 16308

(45) "Resource caregiver" has the same meaning as in section 16309
5103.02 of the Revised Code. 16310

(46) "Resource family" has the same meaning as in section 16311
5103.02 of the Revised Code. 16312

(47) "Residential camp" means a program in which the care, 16313
physical custody, or control of children is accepted overnight for 16314
recreational or recreational and educational purposes. 16315

~~(46)~~(48) "Residential care facility" means an institution, 16316
residence, or facility that is licensed by the department of 16317
mental health and addiction services under section 5119.34 of the 16318
Revised Code and that provides care for a child. 16319

~~(47)~~(49) "Residential facility" means a home or facility that 16320
is licensed by the department of developmental disabilities under 16321
section 5123.19 of the Revised Code and in which a child with a 16322
developmental disability resides. 16323

~~(48)~~(50) "Residual parental rights, privileges, and 16324
responsibilities" means those rights, privileges, and 16325
responsibilities remaining with the natural parent after the 16326
transfer of legal custody of the child, including, but not 16327
necessarily limited to, the privilege of reasonable visitation, 16328
consent to adoption, the privilege to determine the child's 16329
religious affiliation, and the responsibility for support. 16330

~~(49)~~(51) "School day" means the school day established by the 16331

board of education of the applicable school district pursuant to 16332
section 3313.481 of the Revised Code. 16333

~~(50)~~(52) "School year" has the same meaning as in section 16334
3313.62 of the Revised Code. 16335

~~(51)~~(53) "Secure correctional facility" means a facility 16336
under the direction of the department of youth services that is 16337
designed to physically restrict the movement and activities of 16338
children and used for the placement of children after adjudication 16339
and disposition. 16340

~~(52)~~(54) "Sexual activity" has the same meaning as in section 16341
2907.01 of the Revised Code. 16342

~~(53)~~(55) "Shelter" means the temporary care of children in 16343
physically unrestricted facilities pending court adjudication or 16344
disposition. 16345

~~(54)~~(56) "Shelter for victims of domestic violence" has the 16346
same meaning as in section 3113.33 of the Revised Code. 16347

~~(55)~~(57) "Temporary custody" means legal custody of a child 16348
who is removed from the child's home, which custody may be 16349
terminated at any time at the discretion of the court or, if the 16350
legal custody is granted in an agreement for temporary custody, by 16351
the person who executed the agreement. 16352

~~(56)~~(58) "Traditional response" means a public children 16353
services agency's response to a report of child abuse or neglect 16354
that encourages engagement of the family in a comprehensive 16355
evaluation of the child's current and future safety needs and a 16356
fact-finding process to determine whether child abuse or neglect 16357
occurred and the circumstances surrounding the alleged harm or 16358
risk of harm. 16359

(C) For the purposes of this chapter, a child shall be 16360
presumed abandoned when the parents of the child have failed to 16361

visit or maintain contact with the child for more than ninety 16362
days, regardless of whether the parents resume contact with the 16363
child after that period of ninety days. 16364

Sec. 2151.152. The juvenile judge may enter into an agreement 16365
with the department of job and family services pursuant to section 16366
5101.11 of the Revised Code for the purpose of reimbursing the 16367
court for foster care maintenance costs ~~and~~, associated 16368
administrative and training costs, and prevention services costs 16369
under the "Family First Prevention Services Act," Public Law 16370
115-123, incurred on behalf of a child who is ~~either~~any of the 16371
following: 16372

(A) Eligible for payments under Title IV-E of the "Social 16373
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 16374
the temporary or permanent custody of the court or subject to a 16375
disposition issued under division (A)(5) of section 2151.354 or 16376
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 16377
Code; 16378

(B) Determined to be at serious risk of removal from the home 16379
and for whom the court has undertaken a plan of reasonable efforts 16380
to prevent such removal-; 16381

(C) At imminent risk of removal from the home and is a 16382
sibling of a child in the temporary or permanent custody of the 16383
court. 16384

The agreement shall govern the responsibilities and duties 16385
the court shall perform in providing services to the child. 16386

Sec. 2151.316. (A) The department of job and family services 16387
shall adopt rules in accordance with Chapter 119. of the Revised 16388
Code to establish and enforce a foster youth bill of rights for 16389
individuals who are in the temporary or permanent custody of a 16390
public children services agency or a planned permanent living 16391

arrangement or in the Title IV-E eligible care and placement 16392
responsibility of a juvenile court or other governmental agency 16393
that provides Title IV-E reimbursable placement services and who 16394
are subject to out-of-home care or placed with a kinship caregiver 16395
as defined in section 5101.85 of the Revised Code. 16396

(B) If the rights of an individual, as established under 16397
division (A) of this section, conflict with the rights of a 16398
resource family or resource caregiver, as established in section 16399
5103.163 of the Revised Code, the rights of the individual shall 16400
preempt the rights of the resource family or resource caregiver. 16401

(C) The rights established by rules under this section shall 16402
not create grounds for a civil action against the department, the 16403
recommending agency, or the custodial agency. 16404

Sec. 2151.412. (A) Each public children services agency and 16405
private child placing agency shall prepare and maintain a case 16406
plan for any child to whom the agency is providing services and to 16407
whom any of the following applies: 16408

(1) The agency filed a complaint pursuant to section 2151.27 16409
of the Revised Code alleging that the child is an abused, 16410
neglected, or dependent child; 16411

(2) The agency has temporary or permanent custody of the 16412
child; 16413

(3) The child is living at home subject to an order for 16414
protective supervision; 16415

(4) The child is in a planned permanent living arrangement. 16416

Except as provided by division (A)(2) of section 5103.153 of 16417
the Revised Code, a private child placing agency providing 16418
services to a child who is the subject of a voluntary permanent 16419
custody surrender agreement entered into under division (B)(2) of 16420

section 5103.15 of the Revised Code is not required to prepare and maintain a case plan for that child.

(B) Each public children services agency shall prepare and maintain a case plan ~~or a family service plan~~ for any child for whom the agency is providing in-home services pursuant to an alternative response.

(C)(1) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the content and format of case plans required by division (A) of this section and establishing procedures for developing, implementing, and changing the case plans. The rules shall at a minimum comply with the requirements of Title IV-E of the "Social Security Act," ~~94 Stat. 501,~~ 42 U.S.C. ~~671~~ 670, et seq. (1980), ~~as amended.~~

(2) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code requiring public children services agencies and private child placing agencies to maintain case plans for children and their families who are receiving services in their homes from the agencies and for whom case plans are not required by division (A) of this section. The rules for public children services agencies shall include the requirements for case plans ~~or family service plans~~ maintained for children and their families who are receiving services in their homes from public children services agencies pursuant to an alternative response. The agencies shall maintain case plans ~~and family service plans~~ as required by those rules; however, the case plans ~~and family service plans~~ shall not be subject to any other provision of this section except as specifically required by the rules.

(D) Each public children services agency and private child placing agency that is required by division (A) of this section to maintain a case plan shall file the case plan with the court prior

to the child's adjudicatory hearing but no later than thirty days 16453
after the earlier of the date on which the complaint in the case 16454
was filed or the child was first placed into shelter care. If the 16455
agency does not have sufficient information prior to the 16456
adjudicatory hearing to complete any part of the case plan, the 16457
agency shall specify in the case plan the additional information 16458
necessary to complete each part of the case plan and the steps 16459
that will be taken to obtain that information. All parts of the 16460
case plan shall be completed by the earlier of thirty days after 16461
the adjudicatory hearing or the date of the dispositional hearing 16462
for the child. 16463

(E) Any agency that is required by division (A) of this 16464
section to prepare a case plan shall attempt to obtain an 16465
agreement among all parties, including, but not limited to, the 16466
parents, guardian, or custodian of the child and the guardian ad 16467
litem of the child regarding the content of the case plan. If all 16468
parties agree to the content of the case plan and the court 16469
approves it, the court shall journalize it as part of its 16470
dispositional order. If the agency cannot obtain an agreement upon 16471
the contents of the case plan or the court does not approve it, 16472
the parties shall present evidence on the contents of the case 16473
plan at the dispositional hearing. The court, based upon the 16474
evidence presented at the dispositional hearing and the best 16475
interest of the child, shall determine the contents of the case 16476
plan and journalize it as part of the dispositional order for the 16477
child. 16478

(F)(1) All parties, including the parents, guardian, or 16479
custodian of the child, are bound by the terms of the journalized 16480
case plan. A party that fails to comply with the terms of the 16481
journalized case plan may be held in contempt of court. 16482

(2) Any party may propose a change to a substantive part of 16483
the case plan, including, but not limited to, the child's 16484

placement and the visitation rights of any party. A party 16485
proposing a change to the case plan shall file the proposed change 16486
with the court and give notice of the proposed change in writing 16487
before the end of the day after the day of filing it to all 16488
parties and the child's guardian ad litem. All parties and the 16489
guardian ad litem shall have seven days from the date the notice 16490
is sent to object to and request a hearing on the proposed change. 16491

(a) If it receives a timely request for a hearing, the court 16492
shall schedule a hearing pursuant to section 2151.417 of the 16493
Revised Code to be held no later than thirty days after the 16494
request is received by the court. The court shall give notice of 16495
the date, time, and location of the hearing to all parties and the 16496
guardian ad litem. The agency may implement the proposed change 16497
after the hearing, if the court approves it. The agency shall not 16498
implement the proposed change unless it is approved by the court. 16499

(b) If it does not receive a timely request for a hearing, 16500
the court may approve the proposed change without a hearing. If 16501
the court approves the proposed change without a hearing, it shall 16502
journalize the case plan with the change not later than fourteen 16503
days after the change is filed with the court. If the court does 16504
not approve the proposed change to the case plan, it shall 16505
schedule a hearing to be held pursuant to section 2151.417 of the 16506
Revised Code no later than thirty days after the expiration of the 16507
fourteen-day time period and give notice of the date, time, and 16508
location of the hearing to all parties and the guardian ad litem 16509
of the child. If, despite the requirements of division (F)(2) of 16510
this section, the court neither approves and journalizes the 16511
proposed change nor conducts a hearing, the agency may implement 16512
the proposed change not earlier than fifteen days after it is 16513
submitted to the court. 16514

(3) If an agency has reasonable cause to believe that a child 16515
is suffering from illness or injury and is not receiving proper 16516

care and that an appropriate change in the child's case plan is 16517
necessary to prevent immediate or threatened physical or emotional 16518
harm, to believe that a child is in immediate danger from the 16519
child's surroundings and that an immediate change in the child's 16520
case plan is necessary to prevent immediate or threatened physical 16521
or emotional harm to the child, or to believe that a parent, 16522
guardian, custodian, or other member of the child's household has 16523
abused or neglected the child and that the child is in danger of 16524
immediate or threatened physical or emotional harm from that 16525
person unless the agency makes an appropriate change in the 16526
child's case plan, it may implement the change without prior 16527
agreement or a court hearing and, before the end of the next day 16528
after the change is made, give all parties, the guardian ad litem 16529
of the child, and the court notice of the change. Before the end 16530
of the third day after implementing the change in the case plan, 16531
the agency shall file a statement of the change with the court and 16532
give notice of the filing accompanied by a copy of the statement 16533
to all parties and the guardian ad litem. All parties and the 16534
guardian ad litem shall have ten days from the date the notice is 16535
sent to object to and request a hearing on the change. 16536

(a) If it receives a timely request for a hearing, the court 16537
shall schedule a hearing pursuant to section 2151.417 of the 16538
Revised Code to be held no later than thirty days after the 16539
request is received by the court. The court shall give notice of 16540
the date, time, and location of the hearing to all parties and the 16541
guardian ad litem. The agency shall continue to administer the 16542
case plan with the change after the hearing, if the court approves 16543
the change. If the court does not approve the change, the court 16544
shall make appropriate changes to the case plan and shall 16545
journalize the case plan. 16546

(b) If it does not receive a timely request for a hearing, 16547
the court may approve the change without a hearing. If the court 16548

approves the change without a hearing, it shall journalize the 16549
case plan with the change within fourteen days after receipt of 16550
the change. If the court does not approve the change to the case 16551
plan, it shall schedule a hearing under section 2151.417 of the 16552
Revised Code to be held no later than thirty days after the 16553
expiration of the fourteen-day time period and give notice of the 16554
date, time, and location of the hearing to all parties and the 16555
guardian ad litem of the child. 16556

(G)(1) All case plans for children in temporary custody shall 16557
have the following general goals: 16558

(a) Consistent with the best interest and special needs of 16559
the child, to achieve a safe out-of-home placement in the least 16560
restrictive, most family-like setting available and in close 16561
proximity to the home from which the child was removed or the home 16562
in which the child will be permanently placed; 16563

(b) To eliminate with all due speed the need for the 16564
out-of-home placement so that the child can safely return home. 16565

(2) The director of job and family services shall adopt rules 16566
pursuant to Chapter 119. of the Revised Code setting forth the 16567
general goals of case plans for children subject to dispositional 16568
orders for protective supervision, a planned permanent living 16569
arrangement, or permanent custody. 16570

(H) In the agency's development of a case plan and the 16571
court's review of the case plan, the child's health and safety 16572
shall be the paramount concern. The agency and the court shall be 16573
guided by the following general priorities: 16574

(1) A child who is residing with or can be placed with the 16575
child's parents within a reasonable time should remain in their 16576
legal custody even if an order of protective supervision is 16577
required for a reasonable period of time; 16578

(2) If both parents of the child have abandoned the child, 16579

have relinquished custody of the child, have become incapable of supporting or caring for the child even with reasonable assistance, or have a detrimental effect on the health, safety, and best interest of the child, the child should be placed in the legal custody of a suitable member of the child's extended family;

(3) If a child described in division (H)(2) of this section has no suitable member of the child's extended family to accept legal custody, the child should be placed in the legal custody of a suitable nonrelative who shall be made a party to the proceedings after being given legal custody of the child;

(4) If the child has no suitable member of the child's extended family to accept legal custody of the child and no suitable nonrelative is available to accept legal custody of the child and, if the child temporarily cannot or should not be placed with the child's parents, guardian, or custodian, the child should be placed in the temporary custody of a public children services agency or a private child placing agency;

(5) If the child cannot be placed with either of the child's parents within a reasonable period of time or should not be placed with either, if no suitable member of the child's extended family or suitable nonrelative is available to accept legal custody of the child, and if the agency has a reasonable expectation of placing the child for adoption, the child should be committed to the permanent custody of the public children services agency or private child placing agency;

(6) If the child is to be placed for adoption or foster care, the placement shall not be delayed or denied on the basis of the child's or adoptive or foster family's race, color, or national origin.

(I) The case plan for a child in temporary custody shall include at a minimum the following requirements if the child is or

has been the victim of abuse or neglect or if the child witnessed 16611
the commission in the child's household of abuse or neglect 16612
against a sibling of the child, a parent of the child, or any 16613
other person in the child's household: 16614

(1) A requirement that the child's parents, guardian, or 16615
custodian participate in mandatory counseling; 16616

(2) A requirement that the child's parents, guardian, or 16617
custodian participate in any supportive services that are required 16618
by or provided pursuant to the child's case plan. 16619

(J) A (1) Prior to January 1, 2023, a case plan for a child 16620
in temporary custody may include, as a supplement, a plan for 16621
locating a permanent family placement. The supplement shall not be 16622
considered part of the case plan for purposes of division (E) of 16623
this section. 16624

(2) On and after January 1, 2023, a case plan for a child in 16625
temporary custody shall include a permanency plan for the child 16626
unless it is documented that such a plan would not be in the best 16627
interest of the child. The permanency plan shall describe the 16628
services the agency shall provide to achieve permanency for the 16629
child if reasonable efforts to return the child to the child's 16630
home, or eliminate the continued removal from that home, are 16631
unsuccessful. Those services shall be provided concurrently with 16632
reasonable efforts to return the child home or eliminate the 16633
child's continued removal from home. 16634

(3) The director of job and family services, pursuant to 16635
Chapter 119. of the Revised Code, shall adopt rules necessary to 16636
carry out the purposes of division (J) of this section. 16637

(K)(1) A public children services agency may request that the 16638
superintendent of the bureau of criminal identification and 16639
investigation conduct a criminal records check with respect to a 16640
parent, guardian, custodian, prospective custodian, or prospective 16641

placement whose actions result in a finding after the filing of a 16642
complaint as described in division (A)(1) of this section that a 16643
child is an abused, neglected, or dependent child. The public 16644
children services agency shall request that the superintendent 16645
obtain information from the federal bureau of investigation as 16646
part of the criminal records check. 16647

(2) At any time on or after the date that is ninety days 16648
after ~~the effective date of this amendment~~ September 10, 2012, a 16649
prosecuting attorney, or an assistant prosecuting attorney 16650
appointed under section 309.06 of the Revised Code, may request 16651
that the superintendent of the bureau of criminal identification 16652
and investigation conduct a criminal records check with respect to 16653
each parent, guardian, custodian, prospective custodian, or 16654
prospective placement whose actions resulted in a finding after 16655
the filing of a complaint described in division (A)(1) of this 16656
section that a child is an abused, neglected, or dependent child. 16657
Each prosecuting attorney or assistant prosecuting attorney who 16658
makes such a request shall request that the superintendent obtain 16659
information from the federal bureau of investigation as part of 16660
the criminal records check for each parent, guardian, custodian, 16661
prospective custodian, or prospective placement who is a subject 16662
of the request. 16663

(3) A public children services agency, prosecuting attorney, 16664
or assistant prosecuting attorney that requests a criminal records 16665
check under division (K)(1) or (2) of this section shall do both 16666
of the following: 16667

(a) Provide to each parent, guardian, custodian, prospective 16668
custodian, or prospective placement for whom a criminal records 16669
check is requested a copy of the form prescribed pursuant to 16670
division (C)(1) of section 109.572 of the Revised Code and a 16671
standard fingerprint impression sheet prescribed pursuant to 16672
division (C)(2) of that section and obtain the completed form and 16673

impression sheet from the parent, guardian, custodian, prospective
custodian, or prospective placement; 16674
16675

(b) Forward the completed form and impression sheet to the 16676
superintendent of the bureau of criminal identification and 16677
investigation. 16678

(4) A parent, guardian, custodian, prospective custodian, or 16679
prospective placement who is given a form and fingerprint 16680
impression sheet under division (K)(3)(a) of this section and who 16681
fails to complete the form or provide fingerprint impressions may 16682
be held in contempt of court. 16683

Sec. 2151.416. (A) Each agency that is required by section 16684
2151.412 of the Revised Code to prepare a case plan for a child 16685
shall complete a semiannual administrative review of the case plan 16686
no later than six months after the earlier of the date on which 16687
the complaint in the case was filed or the child was first placed 16688
in shelter care. After the first administrative review, the agency 16689
shall complete semiannual administrative reviews no later than 16690
every six months. If the court issues an order pursuant to section 16691
2151.414 or 2151.415 of the Revised Code, the agency shall 16692
complete an administrative review no later than six months after 16693
the court's order and continue to complete administrative reviews 16694
no later than every six months after the first review, except that 16695
the court hearing held pursuant to section 2151.417 of the Revised 16696
Code may take the place of any administrative review that would 16697
otherwise be held at the time of the court hearing. When 16698
conducting a review, the child's health and safety shall be the 16699
paramount concern. 16700

(B) Each administrative review required by division (A) of 16701
this section shall be conducted by a review panel of at least 16702
three persons, including, but not limited to, both of the 16703
following: 16704

- (1) A caseworker with day-to-day responsibility for, or familiarity with, the management of the child's case plan; 16705
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- (2) A person who is not responsible for the management of the child's case plan or for the delivery of services to the child or the parents, guardian, or custodian of the child. 16707
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- (C) Each semiannual administrative review shall include, but not be limited to, a joint meeting by the review panel with the parents, guardian, or custodian of the child, the guardian ad litem of the child, and the child's foster care provider and shall include an opportunity for those persons to submit any written materials to be included in the case record of the child. If a parent, guardian, custodian, guardian ad litem, or foster care provider of the child cannot be located after reasonable efforts to do so or declines to participate in the administrative review after being contacted, the agency does not have to include them in the joint meeting. 16710
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- (D) The agency shall prepare a written summary of the semiannual administrative review that shall include, but not be limited to, all of the following: 16721
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- (1) A conclusion regarding the safety and appropriateness of the child's foster care placement; 16724
16725
- (2) The extent of the compliance with the case plan of all parties; 16726
16727
- (3) The extent of progress that has been made toward alleviating the circumstances that required the agency to assume temporary custody of the child; 16728
16729
16730
- (4) An estimated date by which the child may be returned to and safely maintained in the child's home or placed for adoption or legal custody; 16731
16732
16733
- (5) An updated case plan that includes any changes that the 16734

agency is proposing in the case plan; 16735

(6) The recommendation of the agency as to which agency or 16736
person should be given custodial rights over the child for the 16737
six-month period after the administrative review; 16738

(7) The names of all persons who participated in the 16739
administrative review; 16740

(8) A summary of the agency's intensive efforts to secure a 16741
placement with an appropriate and willing kinship caregiver as 16742
defined in section 5101.85 of the Revised Code, including any use 16743
of search technology to find biological family members of the 16744
child and all other efforts undertaken since the last review, 16745
unless a court has determined that intensive efforts are 16746
unnecessary pursuant to section 2151.4118 of the Revised Code. 16747

(E) The agency shall file the summary with the court no later 16748
than seven days after the completion of the administrative review. 16749
If the agency proposes a change to the case plan as a result of 16750
the administrative review, the agency shall file the proposed 16751
change with the court at the time it files the summary. The agency 16752
shall give notice of the summary and proposed change in writing 16753
before the end of the next day after filing them to all parties 16754
and the child's guardian ad litem. All parties and the guardian ad 16755
litem shall have seven days after the date the notice is sent to 16756
object to and request a hearing on the proposed change. 16757

(1) If the court receives a timely request for a hearing, the 16758
court shall schedule a hearing pursuant to section 2151.417 of the 16759
Revised Code to be held not later than thirty days after the court 16760
receives the request. The court shall give notice of the date, 16761
time, and location of the hearing to all parties and the guardian 16762
ad litem. The agency may implement the proposed change after the 16763
hearing, if the court approves it. The agency shall not implement 16764
the proposed change unless it is approved by the court. 16765

(2) If the court does not receive a timely request for a hearing, the court may approve the proposed change without a hearing. If the court approves the proposed change without a hearing, it shall journalize the case plan with the change not later than fourteen days after the change is filed with the court. If the court does not approve the proposed change to the case plan, it shall schedule a review hearing to be held pursuant to section 2151.417 of the Revised Code no later than thirty days after the expiration of the fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the guardian ad litem of the child. If, despite the requirements of this division and division (D) of section 2151.417 of the Revised Code, the court neither approves and journalizes the proposed change nor conducts a hearing, the agency may implement the proposed change not earlier than fifteen days after it is submitted to the court.

(F) The director of job and family services may adopt rules pursuant to Chapter 119. of the Revised Code for procedures and standard forms for conducting administrative reviews pursuant to this section.

(G) The juvenile court that receives the written summary of the administrative review, upon determining, either from the written summary, case plan, or otherwise, that the custody or care arrangement is not in the best interest of the child, may terminate the custody of an agency and place the child in the custody of another institution or association certified by the department of job and family services under section 5103.03 of the Revised Code.

Sec. 2151.4115. (A) As used in sections 2151.4116 to 2151.4122 of the Revised Code:

(1) "Kinship caregiver" has the same meaning as used in

section 5101.85 of the Revised Code. 16797

(2) "Search technology" means any locate-and-research tool, 16798
search engine, electronic database, or social media search tool 16799
available to a public children services agency or a private child 16800
placing agency. 16801

Sec. 2151.4116. A public children services agency or private 16802
child placing agency shall make intensive efforts to identify and 16803
engage an appropriate and willing kinship caregiver for the care 16804
of a child who is in one of following: 16805

(A) Temporary custody of the agency; 16806

(B) A planned permanent living arrangement with the agency. 16807

Sec. 2151.4117. (A) At every court hearing regarding a child 16808
described in section 2151.4116 of the Revised Code, the court 16809
shall determine whether the public children services agency or 16810
private child placing agency has continued intensive efforts to 16811
identify and engage appropriate and willing kinship caregivers for 16812
the child. 16813

(B) At each hearing the court shall: 16814

(1) Review the placement of the child to determine if the 16815
child is receiving care in the home of a kinship caregiver; 16816

(2) Review the efforts of the agency since the previous 16817
hearing to place the child with a kinship caregiver in accordance 16818
with section 2151.33 of the Revised Code, including efforts to 16819
utilize search technology to find biological family members for 16820
the child; 16821

(3) Review any previous court order issued under section 16822
2151.4118 of the Revised Code to determine if the order should 16823
continue based on the child's current placement situation. 16824

Sec. 2151.4118. A court may issue an order that determines, 16825
with respect to a child described in section 2151.4116 of the 16826
Revised Code who is not receiving care in the home of a kinship 16827
caregiver, that the continuation of the child's current placement 16828
is in the child's best interest and that intensive efforts to 16829
identify and engage an appropriate and willing kinship caregiver 16830
for the child are unnecessary if the court makes the findings in 16831
section 2151.4119 of the Revised Code. 16832

Sec. 2151.4119. A court may issue an order under section 16833
2151.4118 of the Revised Code if it finds all of the following: 16834

(A) The child has been living in a stable home environment 16835
with the child's current caregivers for the past twelve 16836
consecutive months. 16837

(B) The current caregivers have expressed interest in 16838
providing permanency for the child. 16839

(C) The removal of the child from the current caregivers 16840
would be detrimental to the child's emotional well-being. 16841

Sec. 2151.4120. If a court makes the findings under section 16842
2151.4119 of the Revised Code, the court and public children 16843
services agency or private child placing agency may consider the 16844
child's current caregiver as having a kin relationship with the 16845
child and at an equal standing to other kin in regards to 16846
permanency. 16847

Sec. 2151.4121. If a relative who received the required 16848
notice pursuant to section 2151.33 of the Revised Code fails 16849
within six months from the date of receipt to demonstrate interest 16850
in and willingness to provide a permanent home for a child, a 16851
court may excuse the public children services agency or private 16852
child placing agency from considering such relative for placement 16853

if the court has issued an order under section 2151.4119 of the 16854
Revised Code. 16855

Sec. 2151.4122. Nothing in sections 2151.4115 to 2151.4121 of 16856
the Revised Code shall be construed to prevent a public children 16857
services agency or private child placement agency from continuing 16858
to search or consider kinship caregivers. 16859

Sec. 2151.451. (A) The juvenile court of the county in, to 16860
which either of the following applies regarding an emancipated 16861
young adult described under division (A)(1) of section 5101.1411 16862
of the Revised Code ~~resides shall have,~~ may exercise jurisdiction 16863
over the emancipated young adult for purposes of sections 2151.45 16864
to 2151.455 of the Revised Code: 16865

(1) The county in which the emancipated young adult resides; 16866

(2) The county in which the emancipated young adult resided 16867
when the custody, arrangement, or care and placement described in 16868
division (A)(3)(a) of section 5101.141 of the Revised Code 16869
terminated. 16870

(B) A juvenile court, on its own motion or the motion of any 16871
party, may transfer a proceeding under ~~these~~ sections 2151.45 to 16872
2151.455 of the Revised Code to a juvenile court with jurisdiction 16873
as provided in this section. 16874

Sec. 2151.452. A juvenile court shall do both of the 16875
following regarding an emancipated young adult described under 16876
division (A)(1) of section 5101.1411 of the Revised Code: 16877

(A) Not later than one hundred eighty days after the 16878
voluntary participation agreement becomes effective, make a 16879
determination as to whether the emancipated young adult's best 16880
interest is served by continuing the care and placement with the 16881

department of job and family services or its representative. ~~An~~ 16882
~~emancipated young adult shall not be eligible for continued care~~ 16883
~~and placement if the court finds it is not in the emancipated~~ 16884
~~young adult's best interest.~~ 16885

(B) Not later than twelve months after the effective date 16886
~~that~~ of the voluntary participation agreement ~~is signed~~, and 16887
~~annually at least once every twelve months~~ thereafter, make a 16888
determination ~~as to whether~~ that the department or its 16889
representative has made reasonable efforts ~~have been made to~~ 16890
finalize a permanency plan to prepare the emancipated young adult 16891
for independence. 16892

Sec. 2151.453. If any determination required under ~~division~~ 16893
~~(B)~~ of section 2151.452 of the Revised Code is not timely made, 16894
the federal payments for foster care under division (A)(1) of 16895
section 5101.1411 of the Revised Code for the emancipated young 16896
adult shall be suspended. The payments shall resume upon a 16897
subsequent determination that reasonable efforts have been made to 16898
prepare the emancipated young adult for independence, but only if 16899
both of the following apply: 16900

(A) The emancipated young adult complies with division (A)(1) 16901
of section 5101.1411 of the Revised Code. 16902

(B) There has been a timely determination of best interest 16903
under division (A) of section 2151.452 of the Revised Code. 16904

Sec. 2317.54. No hospital, home health agency, ambulatory 16905
surgical facility, or provider of a hospice care program or 16906
pediatric respite care program shall be held liable for a 16907
physician's failure to obtain an informed consent from the 16908
physician's patient prior to a surgical or medical procedure or 16909
course of procedures, unless the physician is an employee of the 16910
hospital, home health agency, ambulatory surgical facility, or 16911

provider of a hospice care program or pediatric respite care 16912
program. 16913

Written consent to a surgical or medical procedure or course 16914
of procedures shall, to the extent that it fulfills all the 16915
requirements in divisions (A), (B), and (C) of this section, be 16916
presumed to be valid and effective, in the absence of proof by a 16917
preponderance of the evidence that the person who sought such 16918
consent was not acting in good faith, or that the execution of the 16919
consent was induced by fraudulent misrepresentation of material 16920
facts, or that the person executing the consent was not able to 16921
communicate effectively in spoken and written English or any other 16922
language in which the consent is written. Except as herein 16923
provided, no evidence shall be admissible to impeach, modify, or 16924
limit the authorization for performance of the procedure or 16925
procedures set forth in such written consent. 16926

(A) The consent sets forth in general terms the nature and 16927
purpose of the procedure or procedures, and what the procedures 16928
are expected to accomplish, together with the reasonably known 16929
risks, and, except in emergency situations, sets forth the names 16930
of the physicians who shall perform the intended surgical 16931
procedures. 16932

(B) The person making the consent acknowledges that such 16933
disclosure of information has been made and that all questions 16934
asked about the procedure or procedures have been answered in a 16935
satisfactory manner. 16936

(C) The consent is signed by the patient for whom the 16937
procedure is to be performed, or, if the patient for any reason 16938
including, but not limited to, competence, minority, or the fact 16939
that, at the latest time that the consent is needed, the patient 16940
is under the influence of alcohol, hallucinogens, or drugs, lacks 16941
legal capacity to consent, by a person who has legal authority to 16942
consent on behalf of such patient in such circumstances, including 16943

either of the following: 16944

(1) The parent, whether the parent is an adult or a minor, of 16945
the parent's minor child; 16946

(2) An adult whom the parent of the minor child has given 16947
written authorization to consent to a surgical or medical 16948
procedure or course of procedures for the parent's minor child. 16949

Any use of a consent form that fulfills the requirements 16950
stated in divisions (A), (B), and (C) of this section has no 16951
effect on the common law rights and liabilities, including the 16952
right of a physician to obtain the oral or implied consent of a 16953
patient to a medical procedure, that may exist as between 16954
physicians and patients on July 28, 1975. 16955

As used in this section the term "hospital" has the same 16956
meaning as in section 2305.113 of the Revised Code; ~~"home health 16957
agency" has the same meaning as in section 3701.881 of the Revised 16958
Code;~~ "ambulatory surgical facility" has the same meaning as in 16959
section 3702.30 of the Revised Code; ~~and~~ "hospice care program" 16960
and "pediatric respite care program" have the same meanings as in 16961
section 3712.01 of the Revised Code, and "home health agency" has 16962
the same meaning as in section 3740.01 of the Revised Code. The 16963
provisions of this division apply to hospitals, doctors of 16964
medicine, doctors of osteopathic medicine, and doctors of 16965
podiatric medicine. 16966

Sec. 2329.312. (A) All levying officers appointed or 16967
authorized by a court under this chapter to conduct the judicial 16968
or execution sale of residential property consisting of one to 16969
four single-family units shall submit quarterly reports to the 16970
attorney general ~~for the purpose of assessing the extent to which 16971
deadlines required by this chapter are met.~~ The reports shall 16972
include data on each such sale conducted by the officer, including 16973
data showing whether or not the deadlines required under division 16974

~~(E) of section 2308.02, division (B) of section 2329.17, and sections 2329.30 and 2329.31 of the Revised Code are met.~~ 16975
16976

~~(B) Starting one year after the effective date of this section September 28, 2016, the The attorney general shall do all of the following:~~ 16977
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16979

~~(1) Establish and maintain a database comprised of the information submitted by levying officers pursuant to division (A) of this section;~~ 16980
16981
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~~(2) Make make the information included in the database reports described in division (A) of this section publicly available;~~ 16983
16984
16985

~~(3) Adopt rules for the creation and administration of the database.~~ 16986
16987

Sec. 2743.01. As used in this chapter: 16988

(A) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state. "State" does not include political subdivisions. 16989
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(B) "Political subdivisions" means municipal corporations, townships, counties, school districts, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches. 16995
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(C) "Claim for an award of reparations" or "claim" means a claim for an award of reparations made under sections 2743.51 to 2743.72 of the Revised Code. 17000
17001
17002

(D) "Award of reparations" or "award" means an award made 17003

under sections 2743.51 to 2743.72 of the Revised Code. 17004

(E)(1) "Public duty" includes, but is not limited to, any 17005
statutory, regulatory, or assumed duty concerning any action or 17006
omission of the state involving any of the following: 17007

(a) Permitting, certifying, licensing, inspecting, 17008
investigating, supervising, regulating, auditing, monitoring, law 17009
enforcement, ~~or~~ emergency response activity, or compromising 17010
claims; 17011

(b) Supervising, rehabilitating, or liquidating corporations 17012
or other business entities. 17013

(2) "Public duty" does not include any action of the state 17014
under circumstances in which a special relationship can be 17015
established between the state and an injured party as provided in 17016
division (A)(3) of section 2743.02 of the Revised Code. 17017

Sec. 2743.02. (A)(1) The state hereby waives its immunity 17018
from liability, except as provided for the office of the state 17019
fire marshal in division (G)(1) of section 9.60 and division (B) 17020
of section 3737.221 of the Revised Code and subject to division 17021
(H) of this section, and consents to be sued, and have its 17022
liability determined, in the court of claims created in this 17023
chapter in accordance with the same rules of law applicable to 17024
suits between private parties, except that the determination of 17025
liability is subject to the limitations set forth in this chapter 17026
and, in the case of state universities or colleges, in section 17027
3345.40 of the Revised Code, and except as provided in division 17028
(A)(2) or (3) of this section. To the extent that the state has 17029
previously consented to be sued, this chapter has no 17030
applicability. 17031

Except in the case of a civil action filed by the state, 17032
filing a civil action in the court of claims results in a complete 17033

waiver of any cause of action, based on the same act or omission, 17034
that the filing party has against any officer or employee, as 17035
defined in section 109.36 of the Revised Code. The waiver shall be 17036
void if the court determines that the act or omission was 17037
manifestly outside the scope of the officer's or employee's office 17038
or employment or that the officer or employee acted with malicious 17039
purpose, in bad faith, or in a wanton or reckless manner. 17040

(2) If a claimant proves in the court of claims that an 17041
officer or employee, as defined in section 109.36 of the Revised 17042
Code, would have personal liability for the officer's or 17043
employee's acts or omissions but for the fact that the officer or 17044
employee has personal immunity under section 9.86 of the Revised 17045
Code, the state shall be held liable in the court of claims in any 17046
action that is timely filed pursuant to section 2743.16 of the 17047
Revised Code and that is based upon the acts or omissions. 17048

(3)(a) Except as provided in division (A)(3)(b) of this 17049
section, the state is immune from liability in any civil action or 17050
proceeding involving the performance or nonperformance of a public 17051
duty, including the performance or nonperformance of a public duty 17052
that is owed by the state in relation to any action of an 17053
individual who is committed to the custody of the state. 17054

(b) The state immunity provided in division (A)(3)(a) of this 17055
section does not apply to any action of the state under 17056
circumstances in which a special relationship can be established 17057
between the state and an injured party. A special relationship 17058
under this division is demonstrated if all of the following 17059
elements exist: 17060

(i) An assumption by the state, by means of promises or 17061
actions, of an affirmative duty to act on behalf of the party who 17062
was allegedly injured; 17063

(ii) Knowledge on the part of the state's agents that 17064

inaction of the state could lead to harm; 17065

(iii) Some form of direct contact between the state's agents 17066
and the injured party; 17067

(iv) The injured party's justifiable reliance on the state's 17068
affirmative undertaking. 17069

(B) The state hereby waives the immunity from liability of 17070
all hospitals owned or operated by one or more political 17071
subdivisions and consents for them to be sued, and to have their 17072
liability determined, in the court of common pleas, in accordance 17073
with the same rules of law applicable to suits between private 17074
parties, subject to the limitations set forth in this chapter. 17075
This division is also applicable to hospitals owned or operated by 17076
political subdivisions that have been determined by the supreme 17077
court to be subject to suit prior to July 28, 1975. 17078

(C) Any hospital, as defined in section 2305.113 of the 17079
Revised Code, may purchase liability insurance covering its 17080
operations and activities and its agents, employees, nurses, 17081
interns, residents, staff, and members of the governing board and 17082
committees, and, whether or not such insurance is purchased, may, 17083
to the extent that its governing board considers appropriate, 17084
indemnify or agree to indemnify and hold harmless any such person 17085
against expense, including attorney's fees, damage, loss, or other 17086
liability arising out of, or claimed to have arisen out of, the 17087
death, disease, or injury of any person as a result of the 17088
negligence, malpractice, or other action or inaction of the 17089
indemnified person while acting within the scope of the 17090
indemnified person's duties or engaged in activities at the 17091
request or direction, or for the benefit, of the hospital. Any 17092
hospital electing to indemnify those persons, or to agree to so 17093
indemnify, shall reserve any funds that are necessary, in the 17094
exercise of sound and prudent actuarial judgment, to cover the 17095
potential expense, fees, damage, loss, or other liability. The 17096

superintendent of insurance may recommend, or, if the hospital 17097
requests the superintendent to do so, the superintendent shall 17098
recommend, a specific amount for any period that, in the 17099
superintendent's opinion, represents such a judgment. This 17100
authority is in addition to any authorization otherwise provided 17101
or permitted by law. 17102

(D) Recoveries against the state shall be reduced by the 17103
aggregate of insurance proceeds, disability award, or other 17104
collateral recovery ~~received by~~ that the claimant receives or is 17105
entitled to. This division does not apply to civil actions in the 17106
court of claims against a state university or college under the 17107
circumstances described in section 3345.40 of the Revised Code. 17108
The collateral benefits provisions of division (B)(2) of that 17109
section apply under those circumstances. 17110

(E) The only defendant in original actions in the court of 17111
claims is the state. The state may file a third-party complaint or 17112
counterclaim in any civil action, except a civil action for ten 17113
thousand dollars or less, that is filed in the court of claims. 17114

(F) A civil action against an officer or employee, as defined 17115
in section 109.36 of the Revised Code, that alleges that the 17116
officer's or employee's conduct was manifestly outside the scope 17117
of the officer's or employee's employment or official 17118
responsibilities, or that the officer or employee acted with 17119
malicious purpose, in bad faith, or in a wanton or reckless manner 17120
shall first be filed against the state in the court of claims that 17121
has exclusive, original jurisdiction to determine, initially, 17122
whether the officer or employee is entitled to personal immunity 17123
under section 9.86 of the Revised Code and whether the courts of 17124
common pleas have jurisdiction over the civil action. The officer 17125
or employee may participate in the immunity determination 17126
proceeding before the court of claims to determine whether the 17127
officer or employee is entitled to personal immunity under section 17128

9.86 of the Revised Code. 17129

The filing of a claim against an officer or employee under 17130
this division tolls the running of the applicable statute of 17131
limitations until the court of claims determines whether the 17132
officer or employee is entitled to personal immunity under section 17133
9.86 of the Revised Code. 17134

(G) If a claim lies against an officer or employee who is a 17135
member of the Ohio national guard, and the officer or employee 17136
was, at the time of the act or omission complained of, subject to 17137
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 17138
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 17139
of the claimant and the state has no liability under this section. 17140

(H) If an inmate of a state correctional institution has a 17141
claim against the state for the loss of or damage to property and 17142
the amount claimed does not exceed three hundred dollars, before 17143
commencing an action against the state in the court of claims, the 17144
inmate shall file a claim for the loss or damage under the rules 17145
adopted by the director of rehabilitation and correction pursuant 17146
to this division. The inmate shall file the claim within the time 17147
allowed for commencement of a civil action under section 2743.16 17148
of the Revised Code. If the state admits or compromises the claim, 17149
the director shall make payment from a fund designated by the 17150
director for that purpose. If the state denies the claim or does 17151
not compromise the claim at least sixty days prior to expiration 17152
of the time allowed for commencement of a civil action based upon 17153
the loss or damage under section 2743.16 of the Revised Code, the 17154
inmate may commence an action in the court of claims under this 17155
chapter to recover damages for the loss or damage. 17156

The director of rehabilitation and correction shall adopt 17157
rules pursuant to Chapter 119. of the Revised Code to implement 17158
this division. 17159

Sec. 2743.15. (A) The director or other administrative chief, 17160
or the governing body, of any department, board, office, 17161
commission, agency, institution, or other instrumentality of the 17162
state, ~~with:~~ 17163

(1) With the approval of the attorney general and the court 17164
of claims, may settle or compromise any civil action against the 17165
state insofar as the department, board, office, commission, 17166
agency, institution, or other instrumentality is named as a 17167
defendant; 17168

(2) Shall notify the office of risk management in the 17169
department of administrative services of any settlement or 17170
compromise to allow for the proper reservation of funds. 17171

(B) The acceptance by the claimant of any such compromise or 17172
settlement shall be final and conclusive on the claimant and is a 17173
complete release of the civil action against the state insofar as 17174
the particular department, board, office, commission, agency, 17175
institution, or other instrumentality is named, or could be named, 17176
as a defendant. A compromise or settlement that requires the 17177
payment of money by the state may be implemented and enforced, 17178
insofar as the payment of money is concerned, only through the 17179
procedure specified in section 2743.19 of the Revised Code, which 17180
shall be commenced by the attorney general forwarding a clerk's 17181
certified copy of the settlement instrument to the director of 17182
budget and management. A copy of the settlement instrument of 17183
actions involving the office of risk management in the department 17184
of administrative services shall be forwarded to the office of 17185
risk management for payment via the risk management reserve fund 17186
created in section 9.823 of the Revised Code. 17187

No interest of any kind, including any kind set forth in 17188
sections 2743.18 and 2743.19 of the Revised Code, is allowed on 17189
any compromise or settlement of any civil action against the state 17190

under this section. 17191

The authority of the department of administrative services to 17192
compromise claims does not extend to other statutory and agency 17193
programs with direct settlement authority, including activities by 17194
the department of transportation, inmate property actions 17195
described in division (H) of section 2743.02 of the Revised Code, 17196
and wrongful imprisonment actions provided for in section 2743.48 17197
of the Revised Code. 17198

Sec. 2743.16. (A) Subject to division (B) of this section, 17199
civil actions against the state permitted by sections 2743.01 to 17200
2743.20 of the Revised Code shall be commenced no later than two 17201
years after the date of accrual of the cause of action or within 17202
any shorter period that is applicable to similar suits between 17203
private parties. 17204

(B) If a person suffers injury, death, or loss to person or 17205
property ~~from the operation of an automobile, truck, motor vehicle~~ 17206
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 17207
~~aircraft, or watercraft by an officer or employee of the state~~ 17208
~~while engaged in the course of his employment or official~~ 17209
~~responsibilities for the state, as contemplated in sections 9.821~~ 17210
to 9.83 of the Revised Code, the person or the representative of 17211
that person or of the estate of that person shall attempt, prior 17212
to the commencement of an action based upon that injury, death, or 17213
loss, to have the claim based upon that injury, death, or loss 17214
compromised by the state office of risk management in the 17215
department of administrative services or satisfied by the state's 17216
liability insurance. No action for any such claim shall be filed 17217
in the court of claims until the person, the representative of 17218
that person, or the estate of the person asserting the claim has 17219
complied with this division. Any compromise by the office of risk 17220
management shall be paid from the risk management reserve fund 17221

created in section 9.823 of the Revised Code. The acceptance by 17222
the claimant of any such compromise or settlement shall be final 17223
and conclusive on the person or representative of the person or 17224
the person's estate and is a complete release against the state 17225
insofar as the particular department, board, office, commission, 17226
agency, institution, or other instrumentality is named, or could 17227
be named, as a defendant and results in a complete waiver of any 17228
cause of action, based on the same act or omission, that the 17229
person or representative of the person or the person's estate has 17230
against any officer or employee, as defined in section 109.36 of 17231
the Revised Code. 17232

If the state, upon a request of the person or of ~~his or his~~ 17233
~~estate's~~ the representative of the person or the person's estate 17234
to compromise such a claim, does not compromise the claim within a 17235
reasonable time after the request is made and at least sixty days 17236
prior to the expiration of the applicable period of limitations 17237
for commencement of an action based upon the injury, death, or 17238
loss, or if the amount of the claim is in excess of the state's 17239
liability insurance coverage, the person or ~~his or his estate's~~ 17240
the representative of the person or the person's estate may 17241
commence an action in the court of claims under this chapter to 17242
recover the claim or the unpaid amount of the claim from the 17243
state. Neither the person nor ~~his or his estate's~~ the 17244
representative of the person or the person's estate shall commence 17245
an action against the officer or employee to recover damages for 17246
the injury, death, or loss until after ~~he~~ the person or 17247
representative commences the action in the court of claims against 17248
the state and the action in that court is terminated. If the court 17249
of claims determines that the state is not liable for the injury, 17250
death, or loss ~~caused by the officer's or employee's operation of~~ 17251
~~the automobile, truck, motor vehicle with auxiliary equipment,~~ 17252
~~self-propelling equipment or trailer, aircraft, or watercraft,~~ the 17253
person or ~~his or his estate's~~ the representative of the person or 17254

the person's estate is not prohibited by this division from 17255
commencing an action against the officer or employee to recover 17256
the claim or the unpaid amount of the claim based upon the injury, 17257
death, or loss. Nothing in this division shall affect the immunity 17258
of any state officer or employee pursuant to section 9.86 of the 17259
Revised Code. 17260

If a person or his or his estate's representative attempts, 17261
pursuant to this division, to have a claim compromised by the 17262
state or satisfied by the state's liability insurance, and if the 17263
state determines not to compromise the claim, the state's 17264
liability insurance will not cover the claim, or the claim is in 17265
excess of the state's liability insurance coverage, then the state 17266
shall so notify the person or his or his estate's representative 17267
in writing. The notice shall be provided as soon as possible after 17268
the state determines not to compromise the claim or it is 17269
determined that the state's liability insurance will not cover 17270
either the claim or the entire claim. 17271

(C) All summaries, reports, and records received and 17272
maintained by the office of risk management in the department of 17273
administrative services in connection with claims against the 17274
state are not public records, shall be held in confidence, shall 17275
not be released, and shall not be subject to discovery or 17276
introduction in evidence in any federal or state civil action. 17277

(D)(1) The period of limitations prescribed by division (A) 17278
of this section shall be tolled pursuant to section 2305.16 of the 17279
Revised Code. 17280

(2) If a person suffers injury, death, or loss to person or 17281
property ~~from the operation of an automobile, truck, motor vehicle~~ 17282
~~with auxiliary equipment, self-propelling equipment or trailer,~~ 17283
~~aircraft, or watercraft by an officer or employee of the state~~ 17284
~~while engaged in the course of his employment or official~~ 17285
~~responsibilities for the state~~ contemplated by sections 9.82 to 17286

9.83 of the Revised Code, if the person or ~~his or his estate's~~ the 17287
representative of the person or the person's estate is required by 17288
division (B) of this section to attempt to have the claim based 17289
upon the injury, death, or loss compromised by the state or 17290
satisfied by the state's liability insurance prior to commencing 17291
an action based upon the injury, death, or loss, and if the person 17292
or ~~his or his estate's~~ the representative of the person or the 17293
person's estate complies with that division prior to the 17294
expiration of the applicable period of limitations prescribed by 17295
division (A) of this section for the commencement of an action in 17296
the court of claims based upon that injury, death, or loss, the 17297
period of time commencing with the submission of the claim to the 17298
state for the purposes of compromise or liability insurance 17299
satisfaction and ending with the state's compromise of the claim, 17300
the satisfaction of the claim by the state's liability insurance, 17301
or the provision of the written notice described in division (B) 17302
of this section shall not be computed as any part of the period 17303
within which an action based upon that injury, death, or loss must 17304
be brought. 17305

(3) If a person or ~~his or his estate's~~ the representative of 17306
a person or a person's estate commences an action to recover a 17307
claim, or the unpaid amount of a claim, against the state in the 17308
court of claims and that claim arises out ~~of the operation of an~~ 17309
~~automobile, truck, motor vehicle with auxiliary equipment,~~ 17310
~~self-propelling equipment or trailer, aircraft, or watercraft by~~ 17311
~~an officer or employee of the state while engaged in the course of~~ 17312
~~his employment or official responsibilities for the state~~ an 17313
injury, death, or loss contemplated by sections 9.82 to 9.83 of 17314
the Revised Code, the statute of limitations on the claim against 17315
the officer or employee shall not run during any time when the 17316
action against the state is pending in the court of claims. 17317

Sec. 2743.19. (A) In rendering a judgment against the state, 17318

the court of claims shall determine and specify in the judgment 17319
the department, office, commission, board, agency, institution, or 17320
other instrumentality of the state against which a determination 17321
of liability has been made. The court of claims shall award 17322
compensation for fees to a prevailing party in an action under 17323
this chapter in accordance with section 2335.39 of the Revised 17324
Code. 17325

(B) No execution shall issue against the state or any 17326
department, board, office, commission, agency, institution, or 17327
other instrumentality of the state upon any judgment for the 17328
payment of money. 17329

(C) Judgments shall be accomplished only through the 17330
following procedure, which may be enforced by writ of mandamus 17331
directed to the appropriate official: 17332

(1) The clerk of the court of claims shall forward a 17333
certified copy of the judgment to the director of budget and 17334
management and the attorney general or the officer who signed the 17335
investigative report for the department, office, commission, 17336
board, agency, institution, or other instrumentality of the state 17337
against which a determination of liability has been made. If the 17338
judgment requires payment from the risk management reserve fund 17339
created in section 9.823 of the Revised Code, a final signed copy 17340
of the judgment shall be forwarded to the office of risk 17341
management in the department of administrative services for 17342
payment. 17343

(2) The expense of a judgment paid, plus interest at the same 17344
rate that is applicable to judgments rendered against private 17345
parties to a suit as specified in section 1343.03 of the Revised 17346
Code and for the number of days determined pursuant to division 17347
(B)(1) or (2) of section 2743.18 of the Revised Code, shall be 17348
charged by the director of budget and management against available 17349
unencumbered moneys in the appropriations to whichever state 17350

departments, boards, offices, commissions, agencies, institutions, 17351
or other instrumentalities are named in the judgment. The director 17352
of budget and management shall have sole discretion to determine 17353
whether or not unencumbered moneys in a particular appropriation 17354
are available for satisfaction of a judgment. 17355

(3) The director of budget and management, upon receipt of 17356
the certified copy of the judgment from the clerk of the court of 17357
claims pursuant to division (C)(1) of this section, shall provide 17358
for payment of the judgment creditor in the amount of the judgment 17359
certified by the clerk of the court of claims, plus interest. 17360

(4) If the director of budget and management determines that 17361
sufficient unencumbered moneys do not exist in the particular 17362
appropriations to pay the judgment and interest, the director may 17363
make application for payment of the judgment and interest out of 17364
the emergency purposes account or another appropriation for 17365
emergencies or contingencies. 17366

(5) If moneys in the emergency purposes account or another 17367
appropriation for emergencies or contingencies are not used to pay 17368
the judgment and interest, the director of budget and management 17369
shall request the general assembly to make an appropriation 17370
sufficient to pay the judgment and interest, and no payment shall 17371
be made until the appropriation has been made. The appropriate 17372
state department, board, office, commission, agency, institution, 17373
or other instrumentality shall make this appropriation request 17374
during the current biennium and during each succeeding biennium 17375
until a sufficient appropriation is made. 17376

(6) If the judgment is against any department, board, office, 17377
commission, agency, institution, or other instrumentality of the 17378
state whose funds are not handled by the director of budget and 17379
management, the instrumentality against which the judgment is 17380
made, within sixty days after the date of the judgment, shall pay 17381
the judgment creditor in the amount of the judgment plus interest 17382

at the same rate that is applicable to judgments rendered against private parties to a suit as specified in section 1343.03 of the Revised Code and for the number of days determined pursuant to division (B)(1) or (2) of section 2743.18 of the Revised Code.

(D) No judgment shall be forwarded by the clerk of the court of claims to the director of budget and management until all appeals have been determined and all rights to appeal have been exhausted, except as otherwise provided in this section. If a party to a civil action against the state appeals from only a portion of a judgment and if a remaining portion provides for the payment of money by the state, a certified copy of the judgment and a copy of the notice of appeal shall be forwarded to the director, and that part of the judgment calling for the payment of money by the state and not a subject of the appeal shall be processed for payment as described in this section.

Sec. 2921.36. (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code, except for small amounts of wine for sacramental purposes when the person engaging in the specified conduct is a cleric, as defined in section 2317.02 of the Revised Code.

(B) Division (A) of this section does not apply to any person 17414
who conveys or attempts to convey an item onto the grounds of a 17415
detention facility or of an institution, office building, or other 17416
place under the control of the department of mental health and 17417
addiction services, the department of developmental disabilities, 17418
the department of youth services, or the department of 17419
rehabilitation and correction pursuant to the written 17420
authorization of the person in charge of the detention facility or 17421
the institution, office building, or other place and in accordance 17422
with the written rules of the detention facility or the 17423
institution, office building, or other place. 17424

(C) No person shall knowingly deliver, or attempt to deliver, 17425
to any person who is confined in a detention facility, to a child 17426
confined in a youth services facility, to a prisoner who is 17427
temporarily released from confinement for a work assignment, or to 17428
any patient in an institution under the control of the department 17429
of mental health and addiction services or the department of 17430
developmental disabilities any item listed in division (A)(1), 17431
(2), or (3) of this section. 17432

(D) No person shall knowingly deliver, or attempt to deliver, 17433
cash to any person who is confined in a detention facility, to a 17434
child confined in a youth services facility, or to a prisoner who 17435
is temporarily released from confinement for a work assignment. 17436

(E) No person shall knowingly deliver, or attempt to deliver, 17437
to any person who is confined in a detention facility, to a child 17438
confined in a youth services facility, or to a prisoner who is 17439
temporarily released from confinement for a work assignment a 17440
cellular telephone, two-way radio, or other electronic 17441
communications device. 17442

(F)(1) It is an affirmative defense to a charge under 17443
division (A)(1) of this section that the weapon or dangerous 17444
ordnance in question was being transported in a motor vehicle for 17445

any lawful purpose, that it was not on the actor's person, and, if 17446
the weapon or dangerous ordnance in question was a firearm, that 17447
it was unloaded and was being carried in a closed package, box, or 17448
case or in a compartment that can be reached only by leaving the 17449
vehicle. 17450

(2) It is an affirmative defense to a charge under division 17451
(C) of this section that the actor was not otherwise prohibited by 17452
law from delivering the item to the confined person, the child, 17453
the prisoner, or the patient and that either of the following 17454
applies: 17455

(a) The actor was permitted by the written rules of the 17456
detention facility or the institution, office building, or other 17457
place to deliver the item to the confined person or the patient. 17458

(b) The actor was given written authorization by the person 17459
in charge of the detention facility or the institution, office 17460
building, or other place to deliver the item to the confined 17461
person or the patient. 17462

(G)(1) Whoever violates division (A)(1) of this section or 17463
commits a violation of division (C) of this section involving an 17464
item listed in division (A)(1) of this section is guilty of 17465
illegal conveyance of weapons onto the grounds of a specified 17466
governmental facility, a felony of the third degree. If the 17467
offender is an officer or employee of the department of 17468
rehabilitation and correction, the court shall impose a mandatory 17469
prison term from the range of definite prison terms prescribed in 17470
division (A)(3)(b) of section 2929.14 of the Revised Code for a 17471
felony of the third degree. 17472

(2) Whoever violates division (A)(2) of this section or 17473
commits a violation of division (C) of this section involving any 17474
drug of abuse is guilty of illegal conveyance of drugs of abuse 17475
onto the grounds of a specified governmental facility, a felony of 17476

the third degree. If the offender is an officer or employee of the department of rehabilitation and correction or of the department of youth services, the court shall impose a mandatory prison term from the range of definite prison terms prescribed in division (A)(3)(b) of section 2929.14 of the Revised Code for a felony of the third degree.

(3) Whoever violates division (A)(3) of this section or commits a violation of division (C) of this section involving any intoxicating liquor is guilty of illegal conveyance of intoxicating liquor onto the grounds of a specified governmental facility, a misdemeanor of the second degree.

(4) Whoever violates division (D) of this section is guilty of illegal conveyance of cash onto the grounds of a detention facility, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section, illegal conveyance of cash onto the grounds of a detention facility is a felony of the fifth degree.

(5) Whoever violates division (E) of this section is guilty of illegal conveyance of a communications device onto the grounds of a specified governmental facility, a misdemeanor of the first degree, or if the offender previously has been convicted of or pleaded guilty to a violation of division (E) of this section, a felony of the fifth degree.

Sec. 2927.02. (A) As used in this section and sections 2927.021 and 2927.022 of the Revised Code:

(1) "Age verification" means a service provided by an independent third party (other than a manufacturer, producer, distributor, wholesaler, or retailer of cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes) that compares information available from a

commercially available database, or aggregate of databases, that 17508
regularly are used by government and businesses for the purpose of 17509
age and identity verification to personal information provided 17510
during an internet sale or other remote method of sale to 17511
establish that the purchaser is twenty-one years of age or older. 17512

(2)(a) "Alternative nicotine product" means, subject to 17513
division (A)(2)(b) of this section, an electronic smoking device, 17514
vapor product, or any other product or device that consists of or 17515
contains nicotine that can be ingested into the body by any means, 17516
including, but not limited to, chewing, smoking, absorbing, 17517
dissolving, or inhaling. 17518

(b) "Alternative nicotine product" does not include any of 17519
the following: 17520

(i) Any cigarette or other tobacco product; 17521

(ii) Any product that is a "drug" as that term is defined in 17522
21 U.S.C. 321(g)(1); 17523

(iii) Any product that is a "device" as that term is defined 17524
in 21 U.S.C. 321(h); 17525

(iv) Any product that is a "combination product" as described 17526
in 21 U.S.C. 353(g). 17527

(3) "Cigarette" includes clove cigarettes and hand-rolled 17528
cigarettes. 17529

(4) "Distribute" means to furnish, give, or provide 17530
cigarettes, other tobacco products, alternative nicotine products, 17531
or papers used to roll cigarettes to the ultimate consumer of the 17532
cigarettes, other tobacco products, alternative nicotine products, 17533
or papers used to roll cigarettes. 17534

(5) "Electronic smoking device" means any device that can be 17535
used to deliver aerosolized or vaporized nicotine or any other 17536
substance to the person inhaling from the device including an 17537

electronic cigarette, electronic cigar, electronic hookah, vaping 17538
pen, or electronic pipe. "Electronic smoking device" includes any 17539
component, part, or accessory of such a device, whether or not 17540
sold separately, and includes any substance intended to be 17541
aerosolized or vaporized during the use of the device. "Electronic 17542
smoking device" does not include any product that is a drug, 17543
device, or combination product, as those terms are defined or 17544
described in 21 U.S.C. 321 and 353(g). 17545

(6) "Proof of age" means a driver's license, a commercial 17546
driver's license, a military identification card, a passport, or 17547
an identification card issued under sections 4507.50 to 4507.52 of 17548
the Revised Code that shows that a person is eighteen years of age 17549
or older. 17550

(7) "Tobacco product" means any product that is made or 17551
derived from tobacco or that contains any form of nicotine, if it 17552
is intended for human consumption or is likely to be consumed, 17553
whether smoked, heated, chewed, absorbed, dissolved, inhaled, or 17554
ingested by any other means, including, but not limited to, a 17555
cigarette, an electronic smoking device, a cigar, pipe tobacco, 17556
chewing tobacco, snuff, or snus. "Tobacco product" also means any 17557
component or accessory used in the consumption of a tobacco 17558
product, such as filters, rolling papers, pipes, blunt or hemp 17559
wraps, and liquids used in electronic smoking devices, whether or 17560
not they contain nicotine. "Tobacco product" does not include any 17561
product that is a drug, device, or combination product, as those 17562
terms are defined or described in 21 U.S.C. 321 and 353(g). 17563

(8) "Vapor product" means a product, other than a cigarette 17564
or other tobacco product as defined in Chapter 5743. of the 17565
Revised Code, that contains or is made or derived from nicotine 17566
and that is intended and marketed for human consumption, including 17567
by smoking, inhaling, snorting, or sniffing. "Vapor product" 17568
includes any component, part, or additive that is intended for use 17569

in an electronic smoking device, a mechanical heating element, 17570
battery, or electronic circuit and is used to deliver the product. 17571
"Vapor product" does not include any product that is a drug, 17572
device, or combination product, as those terms are defined or 17573
described in 21 U.S.C. 321 and 353(g). "Vapor product" includes 17574
any product containing nicotine, regardless of concentration. 17575

(9) "Vending machine" has the same meaning as "coin machine" 17576
in section 2913.01 of the Revised Code. 17577

(B) No manufacturer, producer, distributor, wholesaler, or 17578
retailer of cigarettes, other tobacco products, alternative 17579
nicotine products, or papers used to roll cigarettes, no agent, 17580
employee, or representative of a manufacturer, producer, 17581
distributor, wholesaler, or retailer of cigarettes, other tobacco 17582
products, alternative nicotine products, or papers used to roll 17583
cigarettes, and no other person shall do any of the following: 17584

(1) Give, sell, or otherwise distribute cigarettes, other 17585
tobacco products, alternative nicotine products, or papers used to 17586
roll cigarettes to any person under twenty-one years of age; 17587

(2) Give away, sell, or distribute cigarettes, other tobacco 17588
products, alternative nicotine products, or papers used to roll 17589
cigarettes in any place that does not have posted in a conspicuous 17590
place a legibly printed sign in letters at least one-half inch 17591
high stating that giving, selling, or otherwise distributing 17592
cigarettes, other tobacco products, alternative nicotine products, 17593
or papers used to roll cigarettes to a person under twenty-one 17594
years of age is prohibited by law; 17595

(3) Knowingly furnish any false information regarding the 17596
name, age, or other identification of any person under twenty-one 17597
years of age with purpose to obtain cigarettes, other tobacco 17598
products, alternative nicotine products, or papers used to roll 17599
cigarettes for that person; 17600

(4) Manufacture, sell, or distribute in this state any pack	17601
or other container of cigarettes containing fewer than twenty	17602
cigarettes or any package of roll-your-own tobacco containing less	17603
than six-tenths of one ounce of tobacco;	17604
(5) Sell cigarettes or alternative nicotine products in a	17605
smaller quantity than that placed in the pack or other container	17606
by the manufacturer;	17607
(6) Give, sell, or otherwise distribute alternative nicotine	17608
products, papers used to roll cigarettes, or tobacco products	17609
other than cigarettes over the internet or through another remote	17610
method without age verification;	17611
<u>(7) Allow an employee under eighteen years of age to sell any</u>	17612
<u>tobacco product.</u>	17613
(C) No person shall sell or offer to sell cigarettes, other	17614
tobacco products, or alternative nicotine products by or from a	17615
vending machine, except in the following locations:	17616
(1) An area within a factory, business, office, or other	17617
place not open to the general public;	17618
(2) An area to which persons under twenty-one years of age	17619
are not generally permitted access;	17620
(3) Any other place not identified in division (C)(1) or (2)	17621
of this section, upon all of the following conditions:	17622
(a) The vending machine is located within the immediate	17623
vicinity, plain view, and control of the person who owns or	17624
operates the place, or an employee of that person, so that all	17625
cigarettes, other tobacco product, and alternative nicotine	17626
product purchases from the vending machine will be readily	17627
observed by the person who owns or operates the place or an	17628
employee of that person. For the purpose of this section, a	17629
vending machine located in any unmonitored area, including an	17630

unmonitored coatroom, restroom, hallway, or outer waiting area, 17631
shall not be considered located within the immediate vicinity, 17632
plain view, and control of the person who owns or operates the 17633
place, or an employee of that person. 17634

(b) The vending machine is inaccessible to the public when 17635
the place is closed. 17636

(c) A clearly visible notice is posted in the area where the 17637
vending machine is located that states the following in letters 17638
that are legibly printed and at least one-half inch high: 17639

"It is illegal for any person under the age of 21 to purchase 17640
tobacco or alternative nicotine products." 17641

(D) The following are affirmative defenses to a charge under 17642
division (B)(1) of this section: 17643

(1) The person under twenty-one years of age was accompanied 17644
by a parent, spouse who is twenty-one years of age or older, or 17645
legal guardian of the person under twenty-one years of age. 17646

(2) The person who gave, sold, or distributed cigarettes, 17647
other tobacco products, alternative nicotine products, or papers 17648
used to roll cigarettes to a person under twenty-one years of age 17649
under division (B)(1) of this section is a parent, spouse who is 17650
twenty-one years of age or older, or legal guardian of the person 17651
under twenty-one years of age. 17652

(E)(1) It is not a violation of division (B)(1) or (2) of 17653
this section for a person to give or otherwise distribute to a 17654
person under twenty-one years of age cigarettes, other tobacco 17655
products, alternative nicotine products, or papers used to roll 17656
cigarettes while the person under twenty-one years of age is 17657
participating in a research protocol if all of the following 17658
apply: 17659

~~(1)~~(a) The parent, guardian, or legal custodian of the person 17660

under twenty-one years of age has consented in writing to the 17661
person under twenty-one years of age participating in the research 17662
protocol. 17663

~~(2)~~(b) An institutional human subjects protection review 17664
board, or an equivalent entity, has approved the research 17665
protocol. 17666

~~(3)~~(c) The person under twenty-one years of age is 17667
participating in the research protocol at the facility or location 17668
specified in the research protocol. 17669

(2) It is not a violation of division (B)(1) or (2) of this 17670
section for an employer to permit an employee eighteen, nineteen, 17671
or twenty years of age to sell a tobacco product. 17672

(F)(1) Whoever violates division (B)(1), (2), (4), (5), ~~or~~ 17673
(6), or (7) or (C) of this section is guilty of illegal 17674
distribution of cigarettes, other tobacco products, or alternative 17675
nicotine products. Except as otherwise provided in this division, 17676
illegal distribution of cigarettes, other tobacco products, or 17677
alternative nicotine products is a misdemeanor of the fourth 17678
degree. If the offender previously has been convicted of a 17679
violation of division (B)(1), (2), (4), (5), ~~or (6)~~, or (7) or (C) 17680
of this section, illegal distribution of cigarettes, other tobacco 17681
products, or alternative nicotine products is a misdemeanor of the 17682
third degree. 17683

(2) Whoever violates division (B)(3) of this section is 17684
guilty of permitting a person under twenty-one years of age to use 17685
cigarettes, other tobacco products, or alternative nicotine 17686
products. Except as otherwise provided in this division, 17687
permitting a person under twenty-one years of age to use 17688
cigarettes, other tobacco products, or alternative nicotine 17689
products is a misdemeanor of the fourth degree. If the offender 17690
previously has been convicted of a violation of division (B)(3) of 17691

this section, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree.

(G) Any cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes that are given, sold, or otherwise distributed to a person under twenty-one years of age in violation of this section and that are used, possessed, purchased, or received by a person under twenty-one years of age in violation of section 2151.87 of the Revised Code are subject to seizure and forfeiture as contraband under Chapter 2981. of the Revised Code.

Sec. 2929.15. (A)(1) If in sentencing an offender for a felony the court is not required to impose a prison term, a mandatory prison term, or a term of life imprisonment upon the offender, the court may directly impose a sentence that consists of one or more community control sanctions authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the court is sentencing an offender for a fourth degree felony OVI offense under division (G)(1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B)(3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender

shall serve all of the prison terms so imposed prior to serving 17724
the community control sanction. 17725

The duration of all community control sanctions imposed on an 17726
offender under this division shall not exceed five years. If the 17727
offender absconds or otherwise leaves the jurisdiction of the 17728
court in which the offender resides without obtaining permission 17729
from the court or the offender's probation officer to leave the 17730
jurisdiction of the court, or if the offender is confined in any 17731
institution for the commission of any offense while under a 17732
community control sanction, the period of the community control 17733
sanction ceases to run until the offender is brought before the 17734
court for its further action. If the court sentences the offender 17735
to one or more nonresidential sanctions under section 2929.17 of 17736
the Revised Code, the court shall impose as a condition of the 17737
nonresidential sanctions that, during the period of the sanctions, 17738
the offender must abide by the law and must not leave the state 17739
without the permission of the court or the offender's probation 17740
officer. The court may impose any other conditions of release 17741
under a community control sanction that the court considers 17742
appropriate, including, but not limited to, requiring that the 17743
offender not ingest or be injected with a drug of abuse and submit 17744
to random drug testing as provided in division (D) of this section 17745
to determine whether the offender ingested or was injected with a 17746
drug of abuse and requiring that the results of the drug test 17747
indicate that the offender did not ingest or was not injected with 17748
a drug of abuse. 17749

(2)(a) If a court sentences an offender to any community 17750
control sanction or combination of community control sanctions 17751
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 17752
Revised Code, the court shall place the offender under the general 17753
control and supervision of a department of probation in the county 17754
that serves the court for purposes of reporting to the court a 17755

violation of any condition of the sanctions, any condition of 17756
release under a community control sanction imposed by the court, a 17757
violation of law, or the departure of the offender from this state 17758
without the permission of the court or the offender's probation 17759
officer. Alternatively, if the offender resides in another county 17760
and a county department of probation has been established in that 17761
county or that county is served by a multicounty probation 17762
department established under section 2301.27 of the Revised Code, 17763
the court may request the court of common pleas of that county to 17764
receive the offender into the general control and supervision of 17765
that county or multicounty department of probation for purposes of 17766
reporting to the court a violation of any condition of the 17767
sanctions, any condition of release under a community control 17768
sanction imposed by the court, a violation of law, or the 17769
departure of the offender from this state without the permission 17770
of the court or the offender's probation officer, subject to the 17771
jurisdiction of the trial judge over and with respect to the 17772
person of the offender, and to the rules governing that department 17773
of probation. 17774

If there is no department of probation in the county that 17775
serves the court, the court shall place the offender, regardless 17776
of the offender's county of residence, under the general control 17777
and supervision of the adult parole authority or an entity 17778
authorized under division (B) of section 2301.27 of the Revised 17779
Code to provide probation and supervisory services to counties for 17780
purposes of reporting to the court a violation of any of the 17781
sanctions, any condition of release under a community control 17782
sanction imposed by the court, a violation of law, or the 17783
departure of the offender from this state without the permission 17784
of the court or the offender's probation officer. 17785

(b) If the court imposing sentence on an offender sentences 17786
the offender to any community control sanction or combination of 17787

community control sanctions authorized pursuant to section 17788
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 17789
offender violates any condition of the sanctions, violates any 17790
condition of release under a community control sanction imposed by 17791
the court, violates any law, or departs the state without the 17792
permission of the court or the offender's probation officer, the 17793
public or private person or entity that operates or administers 17794
the sanction or the program or activity that comprises the 17795
sanction shall report the violation or departure directly to the 17796
sentencing court, or shall report the violation or departure to 17797
the county or multicounty department of probation with general 17798
control and supervision over the offender under division (A)(2)(a) 17799
of this section or the officer of that department who supervises 17800
the offender, or, if there is no such department with general 17801
control and supervision over the offender under that division, to 17802
the adult parole authority or an entity authorized under division 17803
(B) of section 2301.27 of the Revised Code to provide probation 17804
and supervisory services to the county. If the public or private 17805
person or entity that operates or administers the sanction or the 17806
program or activity that comprises the sanction reports the 17807
violation or departure to the county or multicounty department of 17808
probation, the adult parole authority, or any other entity 17809
providing probation and supervisory services to the county, the 17810
department's, authority's, or other entity's officers may treat 17811
the offender as if the offender were on probation and in violation 17812
of the probation, and shall report the violation of the condition 17813
of the sanction, any condition of release under a community 17814
control sanction imposed by the court, the violation of law, or 17815
the departure from the state without the required permission to 17816
the sentencing court. 17817

(3) If an offender who is eligible for community control 17818
sanctions under this section admits to being drug addicted or the 17819
court has reason to believe that the offender is drug addicted, 17820

and if the offense for which the offender is being sentenced was 17821
related to the addiction, the court may require that the offender 17822
be assessed by a properly credentialed professional within a 17823
specified period of time and shall require the professional to 17824
file a written assessment of the offender with the court. If a 17825
court imposes treatment and recovery support services as a 17826
community control sanction, the court shall direct the level and 17827
type of treatment and recovery support services after 17828
consideration of the written assessment, if available at the time 17829
of sentencing, and recommendations of the professional and other 17830
treatment and recovery support services providers. 17831

(4) If an assessment completed pursuant to division (A)(3) of 17832
this section indicates that the offender is addicted to drugs or 17833
alcohol, the court may include in any community control sanction 17834
imposed for a violation of section 2925.02, 2925.03, 2925.04, 17835
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 17836
2925.37 of the Revised Code a requirement that the offender 17837
participate in alcohol and drug addiction services and recovery 17838
supports certified under section 5119.36 of the Revised Code or 17839
offered by a properly credentialed community addiction services 17840
provider. 17841

(B)(1) If the conditions of a community control sanction 17842
imposed for a felony are violated or if the offender violates a 17843
law or leaves the state without the permission of the court or the 17844
offender's probation officer, the sentencing court may impose on 17845
the violator one or more of the following penalties: 17846

(a) A longer time under the same sanction if the total time 17847
under the sanctions does not exceed the five-year limit specified 17848
in division (A) of this section; 17849

(b) A more restrictive sanction under section 2929.16, 17850
2929.17, or 2929.18 of the Revised Code, including but not limited 17851
to, a new term in a community-based correctional facility, halfway 17852

house, or jail pursuant to division (A)(6) of section 2929.16 of the Revised Code; 17853
17854

(c) A prison term on the offender pursuant to section 2929.14 of the Revised Code and division (B)(3) of this section, provided that a prison term imposed under this division is subject to the following limitations, as applicable: 17855
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(i) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fifth degree, the prison term shall not exceed ninety days, provided that if the remaining period of community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than ninety days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies. 17859
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(ii) If the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a felony of the fourth degree that is not an offense of violence and is not a sexually oriented offense , the prison term shall not exceed one hundred eighty days, provided that if the remaining period of the community control at the time of the violation or the remaining period of the suspended prison sentence at that time is less than one hundred eighty days, the prison term shall not exceed the length of the remaining period of community control or the remaining period of the suspended prison sentence. If the court imposes a prison term as described in this division, division (B)(2)(b) of this section applies. 17870
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(2)(a) If an offender was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a community control sanction based on a 17882
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minor drug possession offense, as defined in section 2925.11 of 17885
the Revised Code, the sentencing court may consider the offender's 17886
conduct in seeking or obtaining medical assistance for another in 17887
good faith or for self or may consider the offender being the 17888
subject of another person seeking or obtaining medical assistance 17889
in accordance with that division as a mitigating factor before 17890
imposing any of the penalties described in division (B)(1) of this 17891
section. 17892

(b) If a court imposes a prison term on an offender under 17893
division (B)(1)(c)(i) or (ii) of this section for a technical 17894
violation of the conditions of a community control sanction, one 17895
of the following is applicable with respect to the time that the 17896
offender spends in prison under the term: 17897

(i) Subject to division (B)(2)(b)(ii) of this section, it 17898
shall be credited against the offender's community control 17899
sanction that was being served at the time of the violation, and 17900
the remaining time under that community control sanction shall be 17901
reduced by the time that the offender spends in prison under the 17902
prison term. The offender upon release from the prison term shall 17903
continue serving the remaining time under the community control 17904
sanction, as reduced under this division. 17905

(ii) If the offender at the time of the violation was serving 17906
a community control sanction as part of a suspended prison 17907
sentence, it shall be credited against the offender's community 17908
control sanction that was being served at the time of the 17909
violation and against the suspended prison sentence, and the 17910
remaining time under that community control sanction and under the 17911
suspended prison sentence shall be reduced by the time that the 17912
offender spends in prison under the prison term. The offender upon 17913
release from the prison term shall continue serving the remaining 17914
time under the community control sanction, as reduced under this 17915
division. 17916

(c) A court is not limited in the number of times it may sentence an offender to a prison term under division (B)(1)(c) of this section for a violation of the conditions of a community control sanction or for a violation of a law or leaving the state without the permission of the court or the offender's probation officer. If an offender who is under a community control sanction violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, is sentenced to a prison term for the violation or conduct, is released from the term after serving it, and subsequently violates the conditions of the sanction or violates a law or leaves the state without the permission of the court or the offender's probation officer, the court may impose a new prison term sanction on the offender under division (B)(1)(c) of this section for the subsequent violation or conduct.

(3) The prison term, if any, imposed on a violator pursuant to this division and division (B)(1) of this section shall be within the range of prison terms described in this division and shall not exceed ~~the~~ a prison term from the range of terms specified in the notice provided to the offender at the sentencing hearing pursuant to division ~~(B)(2)~~(B)(4) of section 2929.19 of the Revised Code. The court may reduce the longer period of time that the offender is required to spend under the longer sanction, the more restrictive sanction, or a prison term imposed pursuant to division (B)(1) of this section by the time the offender successfully spent under the sanction that was initially imposed. Except as otherwise specified in this division, the prison term imposed under this division and division (B)(1) of this section shall be within the range of prison terms available as a definite term for the offense for which the sanction that was violated was imposed. If the offense for which the sanction that was violated was imposed is a felony of the first or second degree committed on or after March 22, 2019, the prison term so imposed under this

division shall be within the range of prison terms available as a 17950
minimum term for the offense under division (A)(1)(a) or (2)(a) of 17951
section 2929.14 of the Revised Code. 17952

(C) If an offender, for a significant period of time, 17953
fulfills the conditions of a sanction imposed pursuant to section 17954
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 17955
manner, the court may reduce the period of time under the sanction 17956
or impose a less restrictive sanction, but the court shall not 17957
permit the offender to violate any law or permit the offender to 17958
leave the state without the permission of the court or the 17959
offender's probation officer. 17960

(D)(1) If a court under division (A)(1) of this section 17961
imposes a condition of release under a community control sanction 17962
that requires the offender to submit to random drug testing, the 17963
department of probation, the adult parole authority, or any other 17964
entity that has general control and supervision of the offender 17965
under division (A)(2)(a) of this section may cause the offender to 17966
submit to random drug testing performed by a laboratory or entity 17967
that has entered into a contract with any of the governmental 17968
entities or officers authorized to enter into a contract with that 17969
laboratory or entity under section 341.26, 753.33, or 5120.63 of 17970
the Revised Code. 17971

(2) If no laboratory or entity described in division (D)(1) 17972
of this section has entered into a contract as specified in that 17973
division, the department of probation, the adult parole authority, 17974
or any other entity that has general control and supervision of 17975
the offender under division (A)(2)(a) of this section shall cause 17976
the offender to submit to random drug testing performed by a 17977
reputable public laboratory to determine whether the individual 17978
who is the subject of the drug test ingested or was injected with 17979
a drug of abuse. 17980

(3) A laboratory or entity that has entered into a contract 17981

pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 17982
shall perform the random drug tests under division (D)(1) of this 17983
section in accordance with the applicable standards that are 17984
included in the terms of that contract. A public laboratory shall 17985
perform the random drug tests under division (D)(2) of this 17986
section in accordance with the standards set forth in the policies 17987
and procedures established by the department of rehabilitation and 17988
correction pursuant to section 5120.63 of the Revised Code. An 17989
offender who is required under division (A)(1) of this section to 17990
submit to random drug testing as a condition of release under a 17991
community control sanction and whose test results indicate that 17992
the offender ingested or was injected with a drug of abuse shall 17993
pay the fee for the drug test if the department of probation, the 17994
adult parole authority, or any other entity that has general 17995
control and supervision of the offender requires payment of a fee. 17996
A laboratory or entity that performs the random drug testing on an 17997
offender under division (D)(1) or (2) of this section shall 17998
transmit the results of the drug test to the appropriate 17999
department of probation, the adult parole authority, or any other 18000
entity that has general control and supervision of the offender 18001
under division (A)(2)(a) of this section. 18002

(E) As used in this section, "technical violation" means a 18003
violation of the conditions of a community control sanction 18004
imposed for a felony of the fifth degree, or for a felony of the 18005
fourth degree that is not an offense of violence and is not a 18006
sexually oriented offense, and to which neither of the following 18007
applies: 18008

(1) The violation consists of a new criminal offense that is 18009
a felony or that is a misdemeanor other than a minor misdemeanor, 18010
and the violation is committed while under the community control 18011
sanction. 18012

(2) The violation consists of or includes the offender's 18013

articulated or demonstrated refusal to participate in the 18014
community control sanction imposed on the offender or any of its 18015
conditions, and the refusal demonstrates to the court that the 18016
offender has abandoned the objects of the community control 18017
sanction or condition. 18018

Sec. 2929.19. (A) The court shall hold a sentencing hearing 18019
before imposing a sentence under this chapter upon an offender who 18020
was convicted of or pleaded guilty to a felony and before 18021
resentencing an offender who was convicted of or pleaded guilty to 18022
a felony and whose case was remanded pursuant to section 2953.07 18023
or 2953.08 of the Revised Code. At the hearing, the offender, the 18024
prosecuting attorney, the victim or the victim's representative in 18025
accordance with section 2930.14 of the Revised Code, and, with the 18026
approval of the court, any other person may present information 18027
relevant to the imposition of sentence in the case. The court 18028
shall inform the offender of the verdict of the jury or finding of 18029
the court and ask the offender whether the offender has anything 18030
to say as to why sentence should not be imposed upon the offender. 18031

(B)(1) At the sentencing hearing, the court, before imposing 18032
sentence, shall do all of the following: 18033

(a) Consider the record, any information presented at the 18034
hearing by any person pursuant to division (A) of this section, 18035
and, if one was prepared, the presentence investigation report 18036
made pursuant to section 2951.03 of the Revised Code or Criminal 18037
Rule 32.2, and any victim impact statement made pursuant to 18038
section 2947.051 of the Revised Code; 18039

(b) If the offense was committed when the offender was under 18040
eighteen years of age, in addition to other factors considered, 18041
consider youth and its characteristics as mitigating factors, 18042
including: 18043

(i) The chronological age of the offender at the time of the 18044

offense and that age's hallmark features, including intellectual 18045
capacity, immaturity, impetuosity, and a failure to appreciate 18046
risks and consequences; 18047

(ii) The family and home environment of the offender at the 18048
time of the offense, the offender's inability to control the 18049
offender's surroundings, a history of trauma regarding the 18050
offender, and the offender's school and special education history; 18051

(iii) The circumstances of the offense, including the extent 18052
of the offender's participation in the conduct and the way 18053
familial and peer pressures may have impacted the offender's 18054
conduct; 18055

(iv) Whether the offender might have been charged and 18056
convicted of a lesser offense if not for the incompetencies 18057
associated with youth, such as the offender's inability to deal 18058
with police officers and prosecutors during the offender's 18059
interrogation or possible plea agreement or the offender's 18060
inability to assist the offender's own attorney; 18061

(v) Examples of the offender's rehabilitation, including any 18062
subsequent growth or increase in maturity during confinement. 18063

(2) Subject to division (B)(3) of this section, if the 18064
sentencing court determines at the sentencing hearing that a 18065
prison term is necessary or required, the court shall do all of 18066
the following: 18067

(a) Impose a stated prison term and, if the court imposes a 18068
mandatory prison term, notify the offender that the prison term is 18069
a mandatory prison term; 18070

(b) In addition to any other information, include in the 18071
sentencing entry the name and section reference to the offense or 18072
offenses, the sentence or sentences imposed and whether the 18073
sentence or sentences contain mandatory prison terms, if sentences 18074
are imposed for multiple counts whether the sentences are to be 18075

served concurrently or consecutively, and the name and section 18076
reference of any specification or specifications for which 18077
sentence is imposed and the sentence or sentences imposed for the 18078
specification or specifications; 18079

(c) If the prison term is a non-life felony indefinite prison 18080
term, notify the offender of all of the following: 18081

(i) That it is rebuttably presumed that the offender will be 18082
released from service of the sentence on the expiration of the 18083
minimum prison term imposed as part of the sentence or on the 18084
offender's presumptive earned early release date, as defined in 18085
section 2967.271 of the Revised Code, whichever is earlier; 18086

(ii) That the department of rehabilitation and correction may 18087
rebut the presumption described in division (B)(2)(c)(i) of this 18088
section if, at a hearing held under section 2967.271 of the 18089
Revised Code, the department makes specified determinations 18090
regarding the offender's conduct while confined, the offender's 18091
rehabilitation, the offender's threat to society, the offender's 18092
restrictive housing, if any, while confined, and the offender's 18093
security classification; 18094

(iii) That if, as described in division (B)(2)(c)(ii) of this 18095
section, the department at the hearing makes the specified 18096
determinations and rebuts the presumption, the department may 18097
maintain the offender's incarceration after the expiration of that 18098
minimum term or after that presumptive earned early release date 18099
for the length of time the department determines to be reasonable, 18100
subject to the limitation specified in section 2967.271 of the 18101
Revised Code; 18102

(iv) That the department may make the specified 18103
determinations and maintain the offender's incarceration under the 18104
provisions described in divisions (B)(2)(c)(i) and (ii) of this 18105
section more than one time, subject to the limitation specified in 18106

section 2967.271 of the Revised Code; 18107

(v) That if the offender has not been released prior to the 18108
expiration of the offender's maximum prison term imposed as part 18109
of the sentence, the offender must be released upon the expiration 18110
of that term. 18111

(d) Notify the offender that the offender will be supervised 18112
under section 2967.28 of the Revised Code after the offender 18113
leaves prison if the offender is being sentenced, other than to a 18114
sentence of life imprisonment, for a felony of the first degree or 18115
second degree, for a felony sex offense, or for a felony of the 18116
third degree that is an offense of violence and is not a felony 18117
sex offense. This division applies with respect to all prison 18118
terms imposed for an offense of a type described in this division, 18119
including a non-life felony indefinite prison term and including a 18120
term imposed for any offense of a type described in this division 18121
that is a risk reduction sentence, as defined in section 2967.28 18122
of the Revised Code. If a court imposes a sentence including a 18123
prison term of a type described in division (B)(2)(d) of this 18124
section on or after July 11, 2006, the failure of a court to 18125
notify the offender pursuant to division (B)(2)(d) of this section 18126
that the offender will be supervised under section 2967.28 of the 18127
Revised Code after the offender leaves prison or to include in the 18128
judgment of conviction entered on the journal a statement to that 18129
effect does not negate, limit, or otherwise affect the mandatory 18130
period of supervision that is required for the offender under 18131
division (B) of section 2967.28 of the Revised Code. Section 18132
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 18133
court imposed a sentence including a prison term of a type 18134
described in division (B)(2)(d) of this section and failed to 18135
notify the offender pursuant to division (B)(2)(d) of this section 18136
regarding post-release control or to include in the judgment of 18137
conviction entered on the journal or in the sentence a statement 18138

regarding post-release control. 18139

(e) Notify the offender that the offender may be supervised 18140
under section 2967.28 of the Revised Code after the offender 18141
leaves prison if the offender is being sentenced for a felony of 18142
the third, fourth, or fifth degree that is not subject to division 18143
(B)(2)(d) of this section. This division applies with respect to 18144
all prison terms imposed for an offense of a type described in 18145
this division, including a term imposed for any such offense that 18146
is a risk reduction sentence, as defined in section 2967.28 of the 18147
Revised Code. Section 2929.191 of the Revised Code applies if, 18148
prior to July 11, 2006, a court imposed a sentence including a 18149
prison term of a type described in division (B)(2)(e) of this 18150
section and failed to notify the offender pursuant to division 18151
(B)(2)(e) of this section regarding post-release control or to 18152
include in the judgment of conviction entered on the journal or in 18153
the sentence a statement regarding post-release control. 18154

(f) Notify the offender that, if a period of supervision is 18155
imposed following the offender's release from prison, as described 18156
in division (B)(2)(d) or (e) of this section, and if the offender 18157
violates that supervision or a condition of post-release control 18158
imposed under division (B) of section 2967.131 of the Revised 18159
Code, the parole board may impose a prison term, as part of the 18160
sentence, of up to one-half of the definite prison term originally 18161
imposed upon the offender as the offender's stated prison term or 18162
up to one-half of the minimum prison term originally imposed upon 18163
the offender as part of the offender's stated non-life felony 18164
indefinite prison term. If a court imposes a sentence including a 18165
prison term on or after July 11, 2006, the failure of a court to 18166
notify the offender pursuant to division (B)(2)(f) of this section 18167
that the parole board may impose a prison term as described in 18168
division (B)(2)(f) of this section for a violation of that 18169
supervision or a condition of post-release control imposed under 18170

division (B) of section 2967.131 of the Revised Code or to include 18171
in the judgment of conviction entered on the journal a statement 18172
to that effect does not negate, limit, or otherwise affect the 18173
authority of the parole board to so impose a prison term for a 18174
violation of that nature if, pursuant to division (D)(1) of 18175
section 2967.28 of the Revised Code, the parole board notifies the 18176
offender prior to the offender's release of the board's authority 18177
to so impose a prison term. Section 2929.191 of the Revised Code 18178
applies if, prior to July 11, 2006, a court imposed a sentence 18179
including a prison term and failed to notify the offender pursuant 18180
to division (B)(2)(f) of this section regarding the possibility of 18181
the parole board imposing a prison term for a violation of 18182
supervision or a condition of post-release control. 18183

(g)(i) Determine, notify the offender of, and include in the 18184
sentencing entry the total number of days, including the 18185
sentencing date but excluding conveyance time, that the offender 18186
has been confined for any reason arising out of the offense for 18187
which the offender is being sentenced and by which the department 18188
of rehabilitation and correction must reduce the definite prison 18189
term imposed on the offender as the offender's stated prison term 18190
or, if the offense is an offense for which a non-life felony 18191
indefinite prison term is imposed under division (A)(1)(a) or 18192
(2)(a) of section 2929.14 of the Revised Code, the minimum and 18193
maximum prison terms imposed on the offender as part of that 18194
non-life felony indefinite prison term, under section 2967.191 of 18195
the Revised Code. The court's calculation shall not include the 18196
number of days, if any, that the offender served in the custody of 18197
the department of rehabilitation and correction arising out of any 18198
prior offense for which the prisoner was convicted and sentenced. 18199

(ii) In making a determination under division (B)(2)(g)(i) of 18200
this section, the court shall consider the arguments of the 18201
parties and conduct a hearing if one is requested. 18202

(iii) The sentencing court retains continuing jurisdiction to correct any error not previously raised at sentencing in making a determination under division (B)(2)(g)(i) of this section. The offender may, at any time after sentencing, file a motion in the sentencing court to correct any error made in making a determination under division (B)(2)(g)(i) of this section, and the court may in its discretion grant or deny that motion. If the court changes the number of days in its determination or redetermination, the court shall cause the entry granting that change to be delivered to the department of rehabilitation and correction without delay. Sections 2931.15 and 2953.21 of the Revised Code do not apply to a motion made under this section.

(iv) An inaccurate determination under division (B)(2)(g)(i) of this section is not grounds for setting aside the offender's conviction or sentence and does not otherwise render the sentence void or voidable.

(v) The department of rehabilitation and correction shall rely upon the latest journal entry of the court in determining the total days of local confinement for purposes of division ~~(B)(2)(f)(i)~~ (B)(2)(g)(i) to (iii) of this section and section 2967.191 of the Revised Code.

(3)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008.

(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division.

(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the

sanction are violated, if the offender commits a violation of any 18265
law, or if the offender leaves this state without the permission 18266
of the court or the offender's probation officer, the court may 18267
impose a longer time under the same sanction, may impose a more 18268
restrictive sanction, or may impose a prison term on the offender 18269
and shall indicate the ~~specific~~ range from which the prison term 18270
~~that~~ may be imposed as a sanction for the violation, ~~as selected~~ 18271
~~by the court from which shall be~~ the range of prison terms for the 18272
offense that is specified pursuant to section 2929.14 of the 18273
Revised Code and as described in section 2929.15 of the Revised 18274
Code." 18275

(5) Before imposing a financial sanction under section 18276
2929.18 of the Revised Code or a fine under section 2929.32 of the 18277
Revised Code, the court shall consider the offender's present and 18278
future ability to pay the amount of the sanction or fine. 18279

(6) If the sentencing court sentences the offender to a 18280
sanction of confinement pursuant to section 2929.14 or 2929.16 of 18281
the Revised Code that is to be served in a local detention 18282
facility, as defined in section 2929.36 of the Revised Code, and 18283
if the local detention facility is covered by a policy adopted 18284
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 18285
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 18286
and section 2929.37 of the Revised Code, both of the following 18287
apply: 18288

(a) The court shall specify both of the following as part of 18289
the sentence: 18290

(i) If the offender is presented with an itemized bill 18291
pursuant to section 2929.37 of the Revised Code for payment of the 18292
costs of confinement, the offender is required to pay the bill in 18293
accordance with that section. 18294

(ii) If the offender does not dispute the bill described in 18295

division (B)(6)(a)(i) of this section and does not pay the bill by 18296
the times specified in section 2929.37 of the Revised Code, the 18297
clerk of the court may issue a certificate of judgment against the 18298
offender as described in that section. 18299

(b) The sentence automatically includes any certificate of 18300
judgment issued as described in division (B)(6)(a)(ii) of this 18301
section. 18302

(7) The failure of the court to notify the offender that a 18303
prison term is a mandatory prison term pursuant to division 18304
(B)(2)(a) of this section or to include in the sentencing entry 18305
any information required by division (B)(2)(b) of this section 18306
does not affect the validity of the imposed sentence or sentences. 18307
If the sentencing court notifies the offender at the sentencing 18308
hearing that a prison term is mandatory but the sentencing entry 18309
does not specify that the prison term is mandatory, the court may 18310
complete a corrected journal entry and send copies of the 18311
corrected entry to the offender and the department of 18312
rehabilitation and correction, or, at the request of the state, 18313
the court shall complete a corrected journal entry and send copies 18314
of the corrected entry to the offender and department of 18315
rehabilitation and correction. 18316

(C)(1) If the offender is being sentenced for a fourth degree 18317
felony OVI offense under division (G)(1) of section 2929.13 of the 18318
Revised Code, the court shall impose the mandatory term of local 18319
incarceration in accordance with that division, shall impose a 18320
mandatory fine in accordance with division (B)(3) of section 18321
2929.18 of the Revised Code, and, in addition, may impose 18322
additional sanctions as specified in sections 2929.15, 2929.16, 18323
2929.17, and 2929.18 of the Revised Code. The court shall not 18324
impose a prison term on the offender except that the court may 18325
impose a prison term upon the offender as provided in division 18326
(A)(1) of section 2929.13 of the Revised Code. 18327

(2) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of section 2929.13 of the Revised Code, the court shall impose the mandatory prison term in accordance with that division, shall impose a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code, and, in addition, may impose an additional prison term as specified in section 2929.14 of the Revised Code. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may impose a community control sanction on the offender, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(D) The sentencing court, pursuant to division (I)(1) of section 2929.14 of the Revised Code, may recommend placement of the offender in a program of shock incarceration under section 5120.031 of the Revised Code or an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.34. (A) A person who is convicted of or pleads guilty to aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of life imprisonment or a prison term pursuant to that conviction shall serve that term in an institution under the control of the department of rehabilitation and correction.

(B)(1) A person who is convicted of or pleads guilty to a felony other than aggravated murder, murder, or an offense punishable by life imprisonment and who is sentenced to a term of imprisonment or a prison term pursuant to that conviction shall

serve that term as follows: 18359

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 18360
this section, in an institution under the control of the 18361
department of rehabilitation and correction if the term is a 18362
prison term or as otherwise determined by the sentencing court 18363
pursuant to section 2929.16 of the Revised Code if the term is not 18364
a prison term; 18365

(b) In a facility of a type described in division (G)(1) of 18366
section 2929.13 of the Revised Code, if the offender is sentenced 18367
pursuant to that division. 18368

(2) If the term is a prison term, the person may be 18369
imprisoned in a jail that is not a minimum security jail pursuant 18370
to agreement under section 5120.161 of the Revised Code between 18371
the department of rehabilitation and correction and the local 18372
authority that operates the jail. 18373

~~(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 18374
"voluntary county" means any county in which the board of county 18375
commissioners of the county and the administrative judge of the 18376
general division of the court of common pleas of the county enter 18377
into an agreement of the type described in division (B)(3)(b) of 18378
this section and in which the agreement has not been terminated as 18379
described in that division. 18380~~

~~(b) In any voluntary county, the board of county 18381
commissioners of the county and the administrative judge of the 18382
general division of the court of common pleas of the county may 18383
agree to having the county participate in the procedures regarding 18384
local and state confinement established under division (B)(3)(c) 18385
of this section. A board of county commissioners and an 18386
administrative judge of a court of common pleas that enter into an 18387
agreement of the type described in this division may terminate the 18388
agreement, but a termination under this division shall take effect 18389~~

~~only at the end of the state fiscal biennium in which the~~ 18390
~~termination decision is made.~~ 18391

~~(e)~~ Except as provided in division ~~(B)(3)(d)~~ (B)(3)(b) of 18392
this section, on and after ~~July~~ September 1, ~~2018~~2022, no person 18393
sentenced by the court of common pleas of ~~a voluntary~~ any county 18394
to a prison term for a felony of the fifth degree shall serve the 18395
term in an institution under the control of the department of 18396
rehabilitation and correction. The person shall instead serve the 18397
sentence as a term of confinement in a facility of a type 18398
described in division (C) or (D) of this section. Nothing in this 18399
division relieves the state of its obligation to pay for the cost 18400
of confinement of the person in a community-based correctional 18401
facility under division (D) of this section. 18402

~~(d)(b)~~ Division ~~(B)(3)(e)~~ (B)(3)(a) of this section does not 18403
apply to any person to whom any of the following apply: 18404

(i) The felony of the fifth degree was an offense of 18405
violence, as defined in section 2901.01 of the Revised Code, a sex 18406
offense under Chapter 2907. of the Revised Code, a violation of 18407
section 2925.03 of the Revised Code, or any offense for which a 18408
mandatory prison term is required. 18409

(ii) The person previously has been convicted of or pleaded 18410
guilty to any felony offense of violence, as defined in section 18411
2901.01 of the Revised Code, unless the felony of the fifth degree 18412
for which the person is being sentenced is a violation of division 18413
(I)(1) of section 2903.43 of the Revised Code. 18414

(iii) The person previously has been convicted of or pleaded 18415
guilty to any felony sex offense under Chapter 2907. of the 18416
Revised Code. 18417

(iv) The person's sentence is required to be served 18418
concurrently to any other sentence imposed upon the person for a 18419
felony that is required to be served in an institution under the 18420

control of the department of rehabilitation and correction. 18421

(C) A person who is convicted of or pleads guilty to one or 18422
more misdemeanors and who is sentenced to a jail term or term of 18423
imprisonment pursuant to the conviction or convictions shall serve 18424
that term in a county, multicounty, municipal, municipal-county, 18425
or multicounty-municipal jail or workhouse; in a community 18426
alternative sentencing center or district community alternative 18427
sentencing center when authorized by section 307.932 of the 18428
Revised Code; or, if the misdemeanor or misdemeanors are not 18429
offenses of violence, in a minimum security jail. 18430

(D) Nothing in this section prohibits the commitment, 18431
referral, or sentencing of a person who is convicted of or pleads 18432
guilty to a felony to a community-based correctional facility. 18433

Sec. 2953.25. (A) As used in this section: 18434

(1) "Collateral sanction" means a penalty, disability, or 18435
disadvantage that is related to employment or occupational 18436
licensing, however denominated, as a result of the individual's 18437
conviction of or plea of guilty to an offense and that applies by 18438
operation of law in this state whether or not the penalty, 18439
disability, or disadvantage is included in the sentence or 18440
judgment imposed. 18441

"Collateral sanction" does not include imprisonment, 18442
probation, parole, supervised release, forfeiture, restitution, 18443
fine, assessment, or costs of prosecution. 18444

(2) "Decision-maker" includes, but is not limited to, the 18445
state acting through a department, agency, board, commission, or 18446
instrumentality established by the law of this state for the 18447
exercise of any function of government, a political subdivision, 18448
an educational institution, or a government contractor or 18449
subcontractor made subject to this section by contract, law, or 18450

ordinance. 18451

(3) "Department-funded program" means a residential or 18452
nonresidential program that is not a term in a state correctional 18453
institution, that is funded in whole or part by the department of 18454
rehabilitation and correction, and that is imposed as a sanction 18455
for an offense, as part of a sanction that is imposed for an 18456
offense, or as a term or condition of any sanction that is imposed 18457
for an offense. 18458

(4) "Designee" means the person designated by the deputy 18459
director of the division of parole and community services to 18460
perform the duties designated in division (B) of this section. 18461

(5) "Division of parole and community services" means the 18462
division of parole and community services of the department of 18463
rehabilitation and correction. 18464

(6) "Offense" means any felony or misdemeanor under the laws 18465
of this state. 18466

(7) "Political subdivision" has the same meaning as in 18467
section 2969.21 of the Revised Code. 18468

(8) "Discretionary civil impact," "licensing agency," and 18469
"mandatory civil impact" have the same meanings as in section 18470
2961.21 of the Revised Code. 18471

(B)(1) An individual who is subject to one or more collateral 18472
sanctions as a result of being convicted of or pleading guilty to 18473
an offense and who either has served a term in a state 18474
correctional institution for any offense or has spent time in a 18475
department-funded program for any offense may file a petition with 18476
the designee of the deputy director of the division of parole and 18477
community services for a certificate of qualification for 18478
employment. 18479

(2) An individual who is subject to one or more collateral 18480

sanctions as a result of being convicted of or pleading guilty to 18481
an offense and who is not in a category described in division 18482
(B)(1) of this section may file for a certificate of qualification 18483
for employment by doing either of the following: 18484

(a) In the case of an individual who resides in this state, 18485
filing a petition with the court of common pleas of the county in 18486
which the person resides or with the designee of the deputy 18487
director of the division of parole and community services; 18488

(b) In the case of an individual who resides outside of this 18489
state, filing a petition with the court of common pleas of any 18490
county in which any conviction or plea of guilty from which the 18491
individual seeks relief was entered or with the designee of the 18492
deputy director of the division of parole and community services. 18493

(3) A petition under division (B)(1) or (2) of this section 18494
shall be made on a copy of the form prescribed by the division of 18495
parole and community services under division (J) of this section, 18496
shall contain all of the information described in division (F) of 18497
this section, and, except as provided in division (B)(6) of this 18498
section, shall be accompanied by an application fee of fifty 18499
dollars. 18500

(4)(a) Except as provided in division (B)(4)(b) of this 18501
section, an individual may file a petition under division (B)(1) 18502
or (2) of this section at any time after the expiration of 18503
whichever of the following is applicable: 18504

(i) If the offense that resulted in the collateral sanction 18505
from which the individual seeks relief is a felony, at any time 18506
after the expiration of one year from the date of release of the 18507
individual from any period of incarceration in a state or local 18508
correctional facility that was imposed for that offense and all 18509
periods of supervision imposed after release from the period of 18510
incarceration or, if the individual was not incarcerated for that 18511

offense, at any time after the expiration of one year from the 18512
date of the individual's final release from all other sanctions 18513
imposed for that offense. 18514

(ii) If the offense that resulted in the collateral sanction 18515
from which the individual seeks relief is a misdemeanor, at any 18516
time after the expiration of six months from the date of release 18517
of the individual from any period of incarceration in a local 18518
correctional facility that was imposed for that offense and all 18519
periods of supervision imposed after release from the period of 18520
incarceration or, if the individual was not incarcerated for that 18521
offense, at any time after the expiration of six months from the 18522
date of the final release of the individual from all sanctions 18523
imposed for that offense including any period of supervision. 18524

(b) The department of rehabilitation and correction may 18525
establish criteria by rule adopted under Chapter 119. of the 18526
Revised Code that, if satisfied by an individual, would allow the 18527
individual to file a petition before the expiration of six months 18528
or one year from the date of final release, whichever is 18529
applicable under division (B)(4)(a) of this section. 18530

(5)(a) A designee that receives a petition for a certificate 18531
of qualification for employment from an individual under division 18532
(B)(1) or (2) of this section shall review the petition to 18533
determine whether it is complete. If the petition is complete, the 18534
designee shall forward the petition, the application fee, and any 18535
other information the designee possesses that relates to the 18536
petition, to the court of common pleas of the county in which the 18537
individual resides if the individual submitting the petition 18538
resides in this state or, if the individual resides outside of 18539
this state, to the court of common pleas of the county in which 18540
the conviction or plea of guilty from which the individual seeks 18541
relief was entered. 18542

(b) A court of common pleas that receives a petition for a 18543

certificate of qualification for employment from an individual 18544
under division (B)(2) of this section, or that is forwarded a 18545
petition for such a certificate under division (B)(5)(a) of this 18546
section, shall attempt to determine all other courts in this state 18547
in which the individual was convicted of or pleaded guilty to an 18548
offense other than the offense from which the individual is 18549
seeking relief. The court that receives or is forwarded the 18550
petition shall notify all other courts in this state that it 18551
determines under this division were courts in which the individual 18552
was convicted of or pleaded guilty to an offense other than the 18553
offense from which the individual is seeking relief that the 18554
individual has filed the petition and that the court may send 18555
comments regarding the possible issuance of the certificate. 18556

A court of common pleas that receives a petition for a 18557
certificate of qualification for employment under division (B)(2) 18558
of this section shall notify the county's prosecuting attorney 18559
that the individual has filed the petition. 18560

A court of common pleas that receives a petition for a 18561
certificate of qualification for employment under division (B)(2) 18562
of this section, or that is forwarded a petition for qualification 18563
under division (B)(5)(a) of this section may direct the clerk of 18564
court to process and record all notices required in or under this 18565
section. Except as provided in division (B)(6) of this section, 18566
the court shall pay thirty dollars of the application fee into the 18567
state treasury and twenty dollars of the application fee into the 18568
county general revenue fund. 18569

(6) Upon receiving a petition for a certificate of 18570
qualification for employment filed by an individual under division 18571
(B)(1) or (2) of this section, a court of common pleas or the 18572
designee of the deputy director of the division of parole and 18573
community services who receives the petition may waive all or part 18574
of the fifty-dollar filing fee for an applicant who is indigent. 18575

If an application fee is partially waived, the first twenty 18576
dollars of the fee that is collected shall be paid into the county 18577
general revenue fund. Any partial fee collected in excess of 18578
twenty dollars shall be paid into the state treasury. 18579

(C)(1) Upon receiving a petition for a certificate of 18580
qualification for employment filed by an individual under division 18581
(B)(2) of this section or being forwarded a petition for such a 18582
certificate under division (B)(5)(a) of this section, the court 18583
shall review the individual's petition, the individual's criminal 18584
history, all filings submitted by the prosecutor or by the victim 18585
in accordance with rules adopted by the division of parole and 18586
community services, the applicant's military service record, if 18587
applicable, and whether the applicant has an emotional, mental, or 18588
physical condition that is traceable to the applicant's military 18589
service in the armed forces of the United States and that was a 18590
contributing factor in the commission of the offense or offenses, 18591
and all other relevant evidence. The court may order any report, 18592
investigation, or disclosure by the individual that the court 18593
believes is necessary for the court to reach a decision on whether 18594
to approve the individual's petition for a certificate of 18595
qualification for employment. 18596

(2) Upon receiving a petition for a certificate of 18597
qualification for employment filed by an individual under division 18598
(B)(2) of this section or being forwarded a petition for such a 18599
certificate under division (B)(5)(a) of this section, except as 18600
otherwise provided in this division, the court shall decide 18601
whether to issue the certificate within sixty days after the court 18602
receives or is forwarded the completed petition and all 18603
information requested for the court to make that decision. Upon 18604
request of the individual who filed the petition, the court may 18605
extend the sixty-day period specified in this division. 18606

(3) Except as provided in division (C)(5) of this section and 18607

subject to division (C)(7) of this section, a court that receives 18608
an individual's petition for a certificate of qualification for 18609
employment under division (B)(2) of this section or that is 18610
forwarded a petition for such a certificate under division 18611
(B)(5)(a) of this section may issue a certificate of qualification 18612
for employment, at the court's discretion, if the court finds that 18613
the individual has established all of the following by a 18614
preponderance of the evidence: 18615

(a) Granting the petition will materially assist the 18616
individual in obtaining employment or occupational licensing. 18617

(b) The individual has a substantial need for the relief 18618
requested in order to live a law-abiding life. 18619

(c) Granting the petition would not pose an unreasonable risk 18620
to the safety of the public or any individual. 18621

(4) The submission of an incomplete petition by an individual 18622
shall not be grounds for the designee or court to deny the 18623
petition. 18624

(5) Subject to division (C)(6) of this section, an individual 18625
is rebuttably presumed to be eligible for a certificate of 18626
qualification for employment if the court that receives the 18627
individual's petition under division (B)(2) of this section or 18628
that is forwarded a petition under division (B)(5)(a) of this 18629
section finds all of the following: 18630

(a) The application was filed after the expiration of the 18631
applicable waiting period prescribed in division (B)(4) of this 18632
section; 18633

(b) If the offense that resulted in the collateral sanction 18634
from which the individual seeks relief is a felony, at least three 18635
years have elapsed since the date of release of the individual 18636
from any period of incarceration in a state or local correctional 18637
facility that was imposed for that offense and all periods of 18638

supervision imposed after release from the period of incarceration 18639
or, if the individual was not incarcerated for that offense, at 18640
least three years have elapsed since the date of the individual's 18641
final release from all other sanctions imposed for that offense; 18642

(c) If the offense that resulted in the collateral sanction 18643
from which the individual seeks relief is a misdemeanor, at least 18644
one year has elapsed since the date of release of the individual 18645
from any period of incarceration in a local correctional facility 18646
that was imposed for that offense and all periods of supervision 18647
imposed after release from the period of incarceration or, if the 18648
individual was not incarcerated for that offense, at least one 18649
year has elapsed since the date of the final release of the 18650
individual from all sanctions imposed for that offense including 18651
any period of supervision. 18652

(6) An application that meets all of the requirements for the 18653
presumption under division (C)(5) of this section shall be denied 18654
only if the court that receives the petition finds that the 18655
evidence reviewed under division (C)(1) of this section rebuts the 18656
presumption of eligibility for issuance by establishing, by clear 18657
and convincing evidence, that the applicant has not been 18658
rehabilitated. 18659

(7) A certificate of qualification for employment shall not 18660
create relief from any of the following collateral sanctions: 18661

(a) Requirements imposed by Chapter 2950. of the Revised Code 18662
and rules adopted under sections 2950.13 and 2950.132 of the 18663
Revised Code; 18664

(b) A driver's license, commercial driver's license, or 18665
probationary license suspension, cancellation, or revocation 18666
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 18667
Revised Code if the relief sought is available pursuant to section 18668
4510.021 or division (B) of section 4510.13 of the Revised Code; 18669

(c) Restrictions on employment as a prosecutor or law enforcement officer; 18670
18671

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code; 18672
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code; 18682
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(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code; 18687
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18689

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code; 18690
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(h) The denial, limitation, suspension, or revocation of a license that is imposed upon an individual applying for or holding a license issued by the state board of education under Title XXXIII of the Revised Code if the individual is convicted of, pleads guilty to, or is found guilty by a jury or court of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction for a violation of division (B)(1), (2), (3), 18694
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or (4) of section 2919.22 of the Revised Code; a violation of 18701
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 18702
2903.15, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2907.03, 18703
2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.31, 18704
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 18705
2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.11, 2921.02, 18706
2921.03, 2921.04, 2921.41, 2923.21, or 2925.02 of the Revised 18707
Code; a violation of section 2905.04 of the Revised Code as it 18708
existed prior to July 1, 1996; a violation of section 2919.23 of 18709
the Revised Code that would have been a violation of section 18710
2905.04 of the Revised Code as it existed prior to July 1, 1996, 18711
had the violation been committed prior to that date; felonious 18712
sexual penetration in violation of former section 2907.12 of the 18713
Revised Code; or a violation of an ordinance of a municipal 18714
corporation that is substantively comparable to an offense listed 18715
in this paragraph. 18716

(8) If a court that receives an individual's petition for a 18717
certificate of qualification for employment under division (B)(2) 18718
of this section or that is forwarded a petition for such a 18719
certificate under division (B)(5)(a) of this section denies the 18720
petition, the court shall provide written notice to the individual 18721
of the court's denial. The court may place conditions on the 18722
individual regarding the individual's filing of any subsequent 18723
petition for a certificate of qualification for employment. The 18724
written notice must notify the individual of any conditions placed 18725
on the individual's filing of a subsequent petition for a 18726
certificate of qualification for employment. 18727

If a court of common pleas that receives an individual's 18728
petition for a certificate of qualification for employment under 18729
division (B)(2) of this section or that is forwarded a petition 18730
for such a certificate under division (B)(5)(a) of this section 18731
denies the petition, the individual may appeal the decision to the 18732

court of appeals only if the individual alleges that the denial 18733
was an abuse of discretion on the part of the court of common 18734
pleas. 18735

(D)(1) A certificate of qualification for employment issued 18736
to an individual lifts the automatic bar of a collateral sanction, 18737
and a decision-maker shall consider on a case-by-case basis 18738
whether to grant or deny the issuance or restoration of an 18739
occupational license or an employment opportunity, notwithstanding 18740
the individual's possession of the certificate, without, however, 18741
reconsidering or rejecting any finding made by a designee or court 18742
under division (C)(3) of this section. 18743

(2) The certificate constitutes a rebuttable presumption that 18744
the person's criminal convictions are insufficient evidence that 18745
the person is unfit for the license, employment opportunity, or 18746
certification in question. Notwithstanding the presumption 18747
established under this division, the agency may deny the license 18748
or certification for the person if it determines that the person 18749
is unfit for issuance of the license. 18750

(3) If an employer that has hired a person who has been 18751
issued a certificate of qualification for employment applies to a 18752
licensing agency for a license or certification and the person has 18753
a conviction or guilty plea that otherwise would bar the person's 18754
employment with the employer or licensure for the employer because 18755
of a mandatory civil impact, the agency shall give the person 18756
individualized consideration, notwithstanding the mandatory civil 18757
impact, the mandatory civil impact shall be considered for all 18758
purposes to be a discretionary civil impact, and the certificate 18759
constitutes a rebuttable presumption that the person's criminal 18760
convictions are insufficient evidence that the person is unfit for 18761
the employment, or that the employer is unfit for the license or 18762
certification, in question. 18763

(E) A certificate of qualification for employment does not 18764

grant the individual to whom the certificate was issued relief 18765
from the mandatory civil impacts identified in division (A)(1) of 18766
section 2961.01 or division (B) of section 2961.02 of the Revised 18767
Code. 18768

(F) A petition for a certificate of qualification for 18769
employment filed by an individual under division (B)(1) or (2) of 18770
this section shall include all of the following: 18771

(1) The individual's name, date of birth, and social security 18772
number; 18773

(2) All aliases of the individual and all social security 18774
numbers associated with those aliases; 18775

(3) The individual's residence address, including the city, 18776
county, and state of residence and zip code; 18777

(4) The length of time that the individual has resided in the 18778
individual's current state of residence, expressed in years and 18779
months of residence; 18780

(5) A general statement as to why the individual has filed 18781
the petition and how the certificate of qualification for 18782
employment would assist the individual; 18783

(6) A summary of the individual's criminal history with 18784
respect to each offense that is a disqualification from employment 18785
or licensing in an occupation or profession, including the years 18786
of each conviction or plea of guilty for each of those offenses; 18787

(7) A summary of the individual's employment history, 18788
specifying the name of, and dates of employment with, each 18789
employer; 18790

(8) Verifiable references and endorsements; 18791

(9) The name of one or more immediate family members of the 18792
individual, or other persons with whom the individual has a close 18793
relationship, who support the individual's reentry plan; 18794

(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 18795
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(11) Any other information required by rule by the department of rehabilitation and correction. 18797
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(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 18799
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(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence. 18808
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(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person 18813
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has actual knowledge. 18827

(H) A certificate of qualification for employment issued 18828
under this section shall be revoked if the individual to whom the 18829
certificate of qualification for employment was issued is 18830
convicted of or pleads guilty to a felony offense committed 18831
subsequent to the issuance of the certificate of qualification for 18832
employment. The department of rehabilitation and correction shall 18833
periodically review the certificates listed in the database 18834
described in division (K) of this section to identify those that 18835
are subject to revocation under this division. Upon identifying a 18836
certificate of qualification for employment that is subject to 18837
revocation, the department shall note in the database that the 18838
certificate has been revoked, the reason for revocation, and the 18839
effective date of revocation, which shall be the date of the 18840
conviction or plea of guilty subsequent to the issuance of the 18841
certificate. 18842

(I) A designee's forwarding, or failure to forward, a 18843
petition for a certificate of qualification for employment to a 18844
court or a court's issuance, or failure to issue, a petition for a 18845
certificate of qualification for employment to an individual under 18846
division (B) of this section does not give rise to a claim for 18847
damages against the department of rehabilitation and correction or 18848
court. 18849

(J) The division of parole and community services shall adopt 18850
rules in accordance with Chapter 119. of the Revised Code for the 18851
implementation and administration of this section and shall 18852
prescribe the form for the petition to be used under division 18853
(B)(1) or (2) of this section. The form for the petition shall 18854
include places for all of the information specified in division 18855
(F) of this section. 18856

(K) The department of rehabilitation and correction shall 18857
maintain a database that identifies granted certificates and 18858

revoked certificates and tracks the number of certificates granted 18859
and revoked, the industries, occupations, and professions with 18860
respect to which the certificates have been most applicable, and 18861
the types of employers that have accepted the certificates. The 18862
department shall annually create a report that summarizes the 18863
information maintained in the database and shall make the report 18864
available to the public on its internet web site. 18865

Sec. 2967.04. (A) A pardon or commutation may be granted upon 18866
such conditions precedent or subsequent as the governor may 18867
impose, which conditions shall be stated in the warrant. Such 18868
pardon or commutation shall not take effect until the conditions 18869
so imposed are accepted by the convict or prisoner so pardoned or 18870
having ~~his~~ a sentence commuted, and ~~his~~ the convict's or 18871
prisoner's acceptance is indorsed upon the warrant, signed by ~~him~~ 18872
the prisoner or convict, and attested by one witness. Such witness 18873
shall go before the clerk of the court of common pleas in whose 18874
office the sentence is recorded and prove the signature of the 18875
convict. The clerk shall thereupon record the warrant, 18876
indorsement, and proof in the journal of the court, which record, 18877
or a duly certified transcript thereof, shall be evidence of such 18878
pardon or commutation, the conditions thereof, and the acceptance 18879
of the conditions. 18880

(B) An unconditional pardon relieves the person to whom it is 18881
granted of all disabilities arising out of the conviction or 18882
convictions from which it is granted. For purposes of this 18883
section, "unconditional pardon" includes a conditional pardon with 18884
respect to which all conditions have been performed or have 18885
transpired. 18886

(C) In the case of an unconditional pardon, the governor may 18887
include as a condition of the pardon that records related to the 18888
conviction be sealed as if the records are related to an offense 18889

that is not otherwise prohibited from being sealed under section 18890
2953.36 of the Revised Code. The governor may issue a writ for the 18891
records related to the pardoned conviction to be sealed. However, 18892
such a writ shall not seal the records required to be kept under 18893
division (E) of section 107.10 of the Revised Code and shall not 18894
have any impact on the governor's office. Other than the records 18895
required to be kept under division (E) of section 107.10 of the 18896
Revised Code, no records of the governor's office related to a 18897
pardon that have been sealed under this division are subject to 18898
public inspection unless directed by the governor. Inspection of 18899
the records or disclosure of information contained in the records 18900
may be made pursuant to division (D) of section 2953.32 of the 18901
Revised Code or as the governor may direct. A disclosure of 18902
records sealed under a writ issued by the governor is not a 18903
criminal offense. 18904

Sec. 2967.17. (A) The adult parole authority, in its 18905
discretion, may grant an administrative release to any of the 18906
following: 18907

(1) A parole violator ~~or~~, release violator, or releasee 18908
serving another felony sentence in a correctional institution 18909
within or without this state for the purpose of consolidation of 18910
the records or if justice would best be served; 18911

(2) A parole violator at large or release violator at large 18912
whose case has been inactive for at least ten years following the 18913
date of declaration of the parole violation or the violation of a 18914
post-release control sanction; 18915

(3) A parolee or releasee taken into custody by the 18916
immigration and naturalization service of the United States 18917
department of justice and deported from the United States. 18918

(B)(1)(a) As used in divisions (B)(2) and (3) of this 18919
section, "position of honor, trust, or profit" has the same 18920

meaning as in section 2929.192 of the Revised Code. 18921

(b) For purposes of divisions (B)(2) and (3) of this section, 18922
a violation of section 2923.32 of the Revised Code or any other 18923
violation or offense that includes as an element a course of 18924
conduct or the occurrence of multiple acts is "committed on or 18925
after ~~the effective date of this amendment~~ May 13, 2008," if the 18926
course of conduct continues, one or more of the multiple acts 18927
occurs, or the subject person's accountability for the course of 18928
conduct or for one or more of the multiple acts continues, on or 18929
after ~~the effective date of this amendment~~ May 13, 2008. 18930

(2) The adult parole authority shall not grant an 18931
administrative release except upon the concurrence of a majority 18932
of the parole board and approval of the chief of the adult parole 18933
authority. An administrative release does not restore for the 18934
person to whom it is granted the rights and privileges forfeited 18935
by conviction as provided in section 2961.01 of the Revised Code. 18936
Any person granted an administrative release under this section 18937
may subsequently apply for a commutation of sentence for the 18938
purpose of regaining the rights and privileges forfeited by 18939
conviction, except that the privilege of circulating or serving as 18940
a witness for the signing of any declaration of candidacy and 18941
petition, voter registration application, or nominating, 18942
initiative, referendum, or recall petition forfeited under section 18943
2961.01 of the Revised Code may not be restored under this section 18944
and except that the privilege of holding a position of honor, 18945
trust, or profit may not be restored under this section to a 18946
person in the circumstances described in division (B)(3) of this 18947
section. 18948

(3) The privilege of holding a position of honor, trust, or 18949
profit may not be restored under this section to a person who was 18950
convicted of or pleaded guilty to committing on or after ~~the~~ 18951
~~effective date of this amendment~~ May 13, 2008, any violation or 18952

offense listed in divisions (C)(2)(c)(i) to (vi) of section 18953
2967.16 of the Revised Code that is a felony. 18954

Sec. 2967.28. (A) As used in this section: 18955

(1) "Monitored time" means the monitored time sanction 18956
specified in section 2929.17 and defined in section 2929.01 of the 18957
Revised Code. 18958

(2) "Deadly weapon" and "dangerous ordnance" have the same 18959
meanings as in section 2923.11 of the Revised Code. 18960

(3) "Felony sex offense" means a violation of a section 18961
contained in Chapter 2907. of the Revised Code that is a felony. 18962

(4) "Risk reduction sentence" means a prison term imposed by 18963
a court, when the court recommends pursuant to section 2929.143 of 18964
the Revised Code that the offender serve the sentence under 18965
section 5120.036 of the Revised Code, and the offender may 18966
potentially be released from imprisonment prior to the expiration 18967
of the prison term if the offender successfully completes all 18968
assessment and treatment or programming required by the department 18969
of rehabilitation and correction under section 5120.036 of the 18970
Revised Code. 18971

(5) "Victim's immediate family" has the same meaning as in 18972
section 2967.12 of the Revised Code. 18973

(6) "Minor drug possession offense" has the same meaning as 18974
in section 2925.11 of the Revised Code. 18975

(7) "Single validated risk assessment tool" means the single 18976
validated risk assessment tool selected by the department of 18977
rehabilitation and correction under section 5120.114 of the 18978
Revised Code. 18979

(B) Each sentence to a prison term, other than a term of life 18980
imprisonment, for a felony of the first degree, for a felony of 18981
the second degree, for a felony sex offense, or for a felony of 18982

the third degree that is an offense of violence and is not a 18983
felony sex offense shall include a requirement that the offender 18984
be subject to a period of post-release control imposed by the 18985
parole board after the offender's release from imprisonment. This 18986
division applies with respect to all prison terms of a type 18987
described in this division, including a term of any such type that 18988
is a risk reduction sentence. If a court imposes a sentence 18989
including a prison term of a type described in this division on or 18990
after July 11, 2006, the failure of a sentencing court to notify 18991
the offender pursuant to division (B)(2)(d) of section 2929.19 of 18992
the Revised Code of this requirement or to include in the judgment 18993
of conviction entered on the journal a statement that the 18994
offender's sentence includes this requirement does not negate, 18995
limit, or otherwise affect the mandatory period of supervision 18996
that is required for the offender under this division. This 18997
division applies with respect to all prison terms of a type 18998
described in this division, including a non-life felony indefinite 18999
prison term. Section 2929.191 of the Revised Code applies if, 19000
prior to July 11, 2006, a court imposed a sentence including a 19001
prison term of a type described in this division and failed to 19002
notify the offender pursuant to division (B)(2)(d) of section 19003
2929.19 of the Revised Code regarding post-release control or to 19004
include in the judgment of conviction entered on the journal or in 19005
the sentence pursuant to division (D)(1) of section 2929.14 of the 19006
Revised Code a statement regarding post-release control. Unless 19007
reduced by the parole board pursuant to division (D) of this 19008
section when authorized under that division, a period of 19009
post-release control required by this division for an offender 19010
shall be of one of the following periods: 19011

(1) For a ~~felony of the first degree or for a~~ felony sex 19012
offense, five years; 19013

(2) For a felony of the first degree that is not a felony sex 19014

offense, up to five years, but not less than two years; 19015

(3) For a felony of the second degree that is not a felony sex offense, up to three years, but not less than eighteen months; 19016
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~~(3)~~(4) For a felony of the third degree that is an offense of violence and is not a felony sex offense, up to three years, but not less than one year. 19018
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(C) Any sentence to a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (B)(1) or ~~(3)~~(4) of this section shall include a requirement that the offender be subject to a period of post-release control of up to ~~three~~ two years after the offender's release from imprisonment, if the parole board, in accordance with division (D) of this section, determines that a period of post-release control is necessary for that offender. This division applies with respect to all prison terms of a type described in this division, including a term of any such type that is a risk reduction sentence. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to notify the offender pursuant to division (B)(2)(e) of section 2929.19 of the Revised Code regarding post-release control or to include in the judgment of conviction entered on the journal or in the sentence pursuant to division (D)(2) of section 2929.14 of the Revised Code a statement regarding post-release control. Pursuant to an agreement entered into under section 2967.29 of the Revised Code, a court of common pleas or parole board may impose sanctions or conditions on an offender who is placed on post-release control under this division. 19021
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(D)(1) Before the prisoner is released from imprisonment, the parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court shall impose ~~upon~~ on a prisoner described in division (B) of this section, shall impose ~~upon~~ on a 19043
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prisoner described in division (C) of this section who is to be 19047
released before the expiration of the prisoner's stated prison 19048
term under a risk reduction sentence, may impose ~~upon~~ on a 19049
prisoner described in division (C) of this section who is not to 19050
be released before the expiration of the prisoner's stated prison 19051
term under a risk reduction sentence, and shall impose ~~upon~~ on a 19052
prisoner described in division (B)(2)(b) of section 5120.031 or in 19053
division (B)(1) of section 5120.032 of the Revised Code, one or 19054
more post-release control sanctions to apply during the prisoner's 19055
period of post-release control. Whenever the board or court 19056
imposes one or more post-release control sanctions ~~upon~~ on a 19057
prisoner, the board or court, in addition to imposing the 19058
sanctions, also shall include as a condition of the post-release 19059
control that the offender not leave the state without permission 19060
of the court or the offender's parole or probation officer and 19061
that the offender abide by the law. The board or court may impose 19062
any other conditions of release under a post-release control 19063
sanction that the board or court considers appropriate, and the 19064
conditions of release may include any community residential 19065
sanction, community nonresidential sanction, or financial sanction 19066
that the sentencing court was authorized to impose pursuant to 19067
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. Prior 19068
to the release of a prisoner for whom it will impose one or more 19069
post-release control sanctions under this division, the parole 19070
board or court shall review the prisoner's criminal history, 19071
results from the single validated risk assessment tool ~~selected by~~ 19072
~~the department of rehabilitation and correction under section~~ 19073
~~5120.114 of the Revised Code, all juvenile court adjudications~~ 19074
~~finding the prisoner, while a juvenile, to be a delinquent child,~~ 19075
and the record of the prisoner's conduct while imprisoned. The 19076
parole board or court shall consider any recommendation regarding 19077
post-release control sanctions for the prisoner made by the office 19078
of victims' services. After considering those materials, the board 19079

or court shall determine, for a prisoner described in division (B) 19080
of this section, division (B)(2)(b) of section 5120.031, or 19081
division (B)(1) of section 5120.032 of the Revised Code and for a 19082
prisoner described in division (C) of this section who is to be 19083
released before the expiration of the prisoner's stated prison 19084
term under a risk reduction sentence, which post-release control 19085
sanction or combination of post-release control sanctions is 19086
reasonable under the circumstances or, for a prisoner described in 19087
division (C) of this section who is not to be released before the 19088
expiration of the prisoner's stated prison term under a risk 19089
reduction sentence, whether a post-release control sanction is 19090
necessary and, if so, which post-release control sanction or 19091
combination of post-release control sanctions is reasonable under 19092
the circumstances. In the case of a prisoner convicted of a felony 19093
of the fourth or fifth degree other than a felony sex offense, the 19094
board or court shall presume that monitored time is the 19095
appropriate post-release control sanction unless the board or 19096
court determines that a more restrictive sanction is warranted. A 19097
post-release control sanction imposed under this division takes 19098
effect upon the prisoner's release from imprisonment. 19099

Regardless of whether the prisoner was sentenced to the 19100
prison term prior to, on, or after July 11, 2006, prior to the 19101
release of a prisoner for whom it will impose one or more 19102
post-release control sanctions under this division, the parole 19103
board shall notify the prisoner that, if the prisoner violates any 19104
sanction so imposed or any condition of post-release control 19105
described in division (B) of section 2967.131 of the Revised Code 19106
that is imposed on the prisoner, the parole board may impose a 19107
prison term of up to one-half of the stated prison term originally 19108
imposed ~~upon~~ on the prisoner. 19109

At least thirty days before the prisoner is released from 19110
imprisonment under post-release control, except as otherwise 19111

provided in this paragraph, the department of rehabilitation and 19112
correction shall notify the victim and the victim's immediate 19113
family of the date on which the prisoner will be released, the 19114
period for which the prisoner will be under post-release control 19115
supervision, and the terms and conditions of the prisoner's 19116
post-release control regardless of whether the victim or victim's 19117
immediate family has requested the notification. The notice 19118
described in this paragraph shall not be given to a victim or 19119
victim's immediate family if the victim or the victim's immediate 19120
family has requested pursuant to division (B)(2) of section 19121
2930.03 of the Revised Code that the notice not be provided to the 19122
victim or the victim's immediate family. At least thirty days 19123
before the prisoner is released from imprisonment and regardless 19124
of whether the victim or victim's immediate family has requested 19125
that the notice described in this paragraph be provided or not be 19126
provided to the victim or the victim's immediate family, the 19127
department also shall provide notice of that nature to the 19128
prosecuting attorney in the case and the law enforcement agency 19129
that arrested the prisoner if any officer of that agency was a 19130
victim of the offense. 19131

If the notice given under the preceding paragraph to the 19132
victim or the victim's immediate family is based on an offense 19133
committed prior to March 22, 2013, and if the department of 19134
rehabilitation and correction has not previously successfully 19135
provided any notice to the victim or the victim's immediate family 19136
under division (B), (C), or (D) of section 2930.16 of the Revised 19137
Code with respect to that offense and the offender who committed 19138
it, the notice also shall inform the victim or the victim's 19139
immediate family that the victim or the victim's immediate family 19140
may request that the victim or the victim's immediate family not 19141
be provided any further notices with respect to that offense and 19142
the offender who committed it and shall describe the procedure for 19143
making that request. The department may give the notices to which 19144

the preceding paragraph applies by any reasonable means, including 19145
regular mail, telephone, and electronic mail. If the department 19146
attempts to provide notice to any specified person under the 19147
preceding paragraph but the attempt is unsuccessful because the 19148
department is unable to locate the specified person, is unable to 19149
provide the notice by its chosen method because it cannot 19150
determine the mailing address, electronic mail address, or 19151
telephone number at which to provide the notice, or, if the notice 19152
is sent by mail, the notice is returned, the department shall make 19153
another attempt to provide the notice to the specified person. If 19154
the second attempt is unsuccessful, the department shall make at 19155
least one more attempt to provide the notice. If the notice is 19156
based on an offense committed prior to March 22, 2013, in each 19157
attempt to provide the notice to the victim or victim's immediate 19158
family, the notice shall include the opt-out information described 19159
in this paragraph. The department, in the manner described in 19160
division (D)(2) of section 2930.16 of the Revised Code, shall keep 19161
a record of all attempts to provide the notice, and of all notices 19162
provided, under this paragraph and the preceding paragraph. The 19163
record shall be considered as if it was kept under division (D)(2) 19164
of section 2930.16 of the Revised Code. This paragraph, the 19165
preceding paragraph, and the notice-related provisions of 19166
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 19167
section 2930.16, division (H) of section 2967.12, division 19168
(E)(1)(b) of section 2967.19, division (A)(3)(b) of section 19169
2967.26, and division (A)(2) of section 5149.101 of the Revised 19170
Code enacted in the act in which this paragraph and the preceding 19171
paragraph were enacted, shall be known as "Roberta's Law." 19172

(2) If a prisoner who is placed on post-release control under 19173
this section is released before the expiration of the definite 19174
term that is the prisoner's stated prison term or the expiration 19175
of the minimum term that is part of the prisoner's indefinite 19176
prison term imposed under a non-life felony indefinite prison term 19177

by reason of credit earned under section 2967.193 or a reduction 19178
under division (F) of section 2967.271 of the Revised Code and if 19179
the prisoner earned sixty or more days of credit, the adult parole 19180
authority ~~shall~~ may supervise the offender with an active global 19181
positioning system device for the first fourteen days after the 19182
offender's release from imprisonment. This division does not 19183
prohibit or limit the imposition of any post-release control 19184
sanction otherwise authorized by this section. 19185

(3) ~~At any time after~~ After a prisoner is released from 19186
imprisonment and during the period of post-release control 19187
applicable to the releasee, the adult parole authority or, 19188
pursuant to an agreement under section 2967.29 of the Revised 19189
Code, the court may review the releasee's behavior under the 19190
post-release control sanctions imposed upon the releasee under 19191
this section. The authority or court may determine, based upon the 19192
review and in accordance with the standards established under 19193
division (E) of this section, that ~~a more restrictive or a less~~ 19194
~~restrictive sanction is appropriate and may impose a different~~ 19195
~~sanction. The authority also may recommend that the parole board~~ 19196
~~or court increase or reduce the duration of the period of~~ 19197
~~post-release control imposed by the court. If the authority~~ 19198
~~recommends that the board or court increase the duration of~~ 19199
~~post-release control, the board or court shall review the~~ 19200
~~releasee's behavior and may increase the duration of the period of~~ 19201
~~post-release control imposed by the court up to eight years. If~~ 19202
~~the authority recommends that the board or court reduce the~~ 19203
~~duration of control for an offense described in division (B) or~~ 19204
~~(C) of this section, the board or court shall review the~~ 19205
~~releasee's behavior and, subject to divisions (D)(3)(a) to (c) of~~ 19206
~~this section, may reduce the duration of the period of control~~ 19207
~~imposed by the court or, if the period of control was imposed for~~ 19208
~~a non-life felony indefinite prison term, reduce the duration of~~ 19209
~~or terminate the period of control imposed by the court the~~ 19210

releasee has satisfactorily complied with the sanctions imposed, 19211
and if such a determination is made, the authority may recommend a 19212
less restrictive sanction, reduce the period of post-release 19213
control, or, no sooner than the minimum period of time required 19214
under section 2967.16 of the Revised Code, recommend that the 19215
parole board or court terminate the duration of the period of 19216
post-release control. In no case shall the board or court ~~do any~~ 19217
~~of the following:~~ 19218

~~(a) Reduce~~ reduce the duration of the period of control 19219
imposed for ~~an~~ a felony sex offense described in division (B)(1) 19220
of this section ~~to a period less than the length of the definite~~ 19221
~~prison term included in the stated prison term originally imposed~~ 19222
~~on the offender as part of the sentence or, with respect to a~~ 19223
~~stated non life felony indefinite prison term, to a period less~~ 19224
~~than the length of the minimum prison term imposed as part of that~~ 19225
~~stated prison term;~~ 19226

~~(b) Consider any reduction or termination of the duration of~~ 19227
~~the period of control imposed on a releasee prior to the~~ 19228
~~expiration of one year after the commencement of the period of~~ 19229
~~control, if the period of control was imposed for a non life~~ 19230
~~felony indefinite prison term and the releasee's minimum prison~~ 19231
~~term or presumptive earned early release date under that term was~~ 19232
~~extended for any length of time under division (C) or (D) of~~ 19233
~~section 2967.271 of the Revised Code.~~ 19234

~~(c) Permit the releasee to leave the state without permission~~ 19235
~~of the court or the releasee's parole or probation officer.~~ 19236

(4) The department of rehabilitation and correction shall 19237
develop factors that the parole board or court shall consider in 19238
determining under division (D)(3) of this section whether to 19239
terminate the period of control imposed on a releasee ~~for a~~ 19240
~~non life felony indefinite prison term.~~ 19241

(E) The department of rehabilitation and correction, in 19242
accordance with Chapter 119. of the Revised Code, shall adopt 19243
rules that do all of the following: 19244

(1) Establish standards for the imposition by the parole 19245
board of post-release control sanctions under this section that 19246
are consistent with the overriding purposes and sentencing 19247
principles set forth in section 2929.11 of the Revised Code and 19248
that are appropriate to the needs of releasees; 19249

(2) Establish standards that provide for a period of 19250
post-release control of up to ~~three~~ two years for all prisoners 19251
described in division (C) of this section who are to be released 19252
before the expiration of their stated prison term under a risk 19253
reduction sentence and standards by which the parole board can 19254
determine which prisoners described in division (C) of this 19255
section who are not to be released before the expiration of their 19256
stated prison term under a risk reduction sentence should be 19257
placed under a period of post-release control; 19258

(3) Establish standards to be used by the parole board in 19259
reducing or terminating the duration of the period of post-release 19260
control imposed by the court when authorized under division (D) of 19261
this section, in imposing a more restrictive post-release control 19262
sanction than monitored time ~~upon~~ on a prisoner convicted of a 19263
felony of the fourth or fifth degree other than a felony sex 19264
offense, or in imposing a less restrictive control sanction ~~upon~~ 19265
on a releasee based on results from the single validated risk 19266
assessment tool and on the releasee's activities including, but 19267
not limited to, remaining free from criminal activity and from the 19268
abuse of alcohol or other drugs, successfully participating in 19269
approved rehabilitation programs, maintaining employment, and 19270
paying restitution to the victim or meeting the terms of other 19271
financial sanctions; 19272

(4) Establish standards to be used by the adult parole 19273

authority in modifying a releasee's post-release control sanctions	19274
pursuant to division (D)(2) of this section;	19275
(5) Establish standards to be used by the adult parole	19276
authority or parole board in imposing further sanctions under	19277
division (F) of this section on releasees who violate post-release	19278
control sanctions, including standards that do the following:	19279
(a) Classify violations according to the degree of	19280
seriousness;	19281
(b) Define the circumstances under which formal action by the	19282
parole board is warranted;	19283
(c) Govern the use of evidence at violation hearings;	19284
(d) Ensure procedural due process to an alleged violator;	19285
(e) Prescribe nonresidential community control sanctions for	19286
most misdemeanor and technical violations;	19287
(f) Provide procedures for the return of a releasee to	19288
imprisonment for violations of post-release control.	19289
(F)(1) Whenever the parole board imposes one or more	19290
post-release control sanctions upon <u>on</u> an offender under this	19291
section, the offender upon release from imprisonment shall be	19292
under the general jurisdiction of the adult parole authority and	19293
generally shall be supervised by the field services section	19294
through its staff of parole and field officers as described in	19295
section 5149.04 of the Revised Code, as if the offender had been	19296
placed on parole. If the offender upon release from imprisonment	19297
violates the post-release control sanction or any conditions	19298
described in division (A) of section 2967.131 of the Revised Code	19299
that are imposed on the offender, the public or private person or	19300
entity that operates or administers the sanction or the program or	19301
activity that comprises the sanction shall report the violation	19302
directly to the adult parole authority or to the officer of the	19303

authority who supervises the offender. The authority's officers 19304
may treat the offender as if the offender were on parole and in 19305
violation of the parole, and otherwise shall comply with this 19306
section. 19307

(2) If the adult parole authority or, pursuant to an 19308
agreement under section 2967.29 of the Revised Code, the court 19309
determines that a releasee has violated a post-release control 19310
sanction or any conditions described in division (A) of section 19311
2967.131 of the Revised Code imposed ~~upon~~ on the releasee and that 19312
a more restrictive sanction is appropriate, the authority or court 19313
may impose a more restrictive sanction ~~upon~~ on the releasee, in 19314
accordance with the standards established under division (E) of 19315
this section or in accordance with the agreement made under 19316
section 2967.29 of the Revised Code, or may report the violation 19317
to the parole board for a hearing pursuant to division (F)(3) of 19318
this section. The authority or court may not, pursuant to this 19319
division, increase the duration of the releasee's post-release 19320
control or impose as a post-release control sanction a residential 19321
sanction that includes a prison term, but the authority or court 19322
may impose on the releasee any other residential sanction, 19323
nonresidential sanction, or financial sanction that the sentencing 19324
court was authorized to impose pursuant to sections 2929.16, 19325
2929.17, and 2929.18 of the Revised Code. 19326

(3) The parole board or, pursuant to an agreement under 19327
section 2967.29 of the Revised Code, the court may hold a hearing 19328
on any alleged violation by a releasee of a post-release control 19329
sanction or any conditions described in division (A) of section 19330
2967.131 of the Revised Code that are imposed upon the releasee. 19331
If after the hearing the board or court finds that the releasee 19332
violated the sanction or condition, the board or court may 19333
increase the duration of the releasee's post-release control up to 19334
the maximum duration authorized by division (B) or (C) of this 19335

section or impose a more restrictive post-release control 19336
sanction. If a releasee was acting pursuant to division (B)(2)(b) 19337
of section 2925.11 of the Revised Code and in so doing violated 19338
the conditions of a post-release control sanction based on a minor 19339
drug possession offense as defined in that section, the board or 19340
the court may consider the releasee's conduct in seeking or 19341
obtaining medical assistance for another in good faith or for self 19342
or may consider the releasee being the subject of another person 19343
seeking or obtaining medical assistance in accordance with that 19344
division as a mitigating factor before imposing any of the 19345
penalties described in this division. When appropriate, the board 19346
or court may impose as a post-release control sanction a 19347
residential sanction that includes a prison term. The board or 19348
court shall consider a prison term as a post-release control 19349
sanction imposed for a violation of post-release control when the 19350
violation involves a deadly weapon or dangerous ordnance, physical 19351
harm or attempted serious physical harm to a person, or sexual 19352
misconduct. Unless a releasee's stated prison term was reduced 19353
pursuant to section 5120.032 of the Revised Code, the period of a 19354
prison term that is imposed as a post-release control sanction 19355
under this division shall not exceed nine months, and the maximum 19356
cumulative prison term for all violations under this division 19357
shall not exceed one-half of the definite prison term that was the 19358
stated prison term originally imposed ~~upon~~ on the offender as part 19359
of this sentence or, with respect to a stated non-life felony 19360
indefinite prison term, one-half of the minimum prison term that 19361
was imposed as part of that stated prison term originally imposed 19362
~~upon~~ on the offender. If a releasee's stated prison term was 19363
reduced pursuant to section 5120.032 of the Revised Code, the 19364
period of a prison term that is imposed as a post-release control 19365
sanction under this division and the maximum cumulative prison 19366
term for all violations under this division shall not exceed the 19367
period of time not served in prison under the sentence imposed by 19368

the court. The period of a prison term that is imposed as a 19369
post-release control sanction under this division shall not count 19370
as, or be credited toward, the remaining period of post-release 19371
control. If, during the period of the releasee's post-release 19372
control, the releasee serves as a post-release control sanction 19373
the maximum prison time available as a sanction, the post-release 19374
control shall terminate. 19375

If an offender is imprisoned for a felony committed while 19376
under post-release control supervision and is again released on 19377
post-release control for a period of time ~~determined by division~~ 19378
~~(F)(4)(d) of this section~~, the maximum cumulative prison term for 19379
all violations under this division shall not exceed one-half of 19380
the total stated prison terms of the earlier felony, reduced by 19381
any prison term administratively imposed by the parole board or 19382
court, plus one-half of the total stated prison term of the new 19383
felony. 19384

~~(4) Any period of post-release control shall commence upon an~~ 19385
~~offender's actual release from prison. If an offender is serving~~ 19386
~~an indefinite prison term or a life sentence in addition to a~~ 19387
~~stated prison term, the offender shall serve the period of~~ 19388
~~post-release control in the following manner:~~ 19389

~~(a) If a period of post-release control is imposed upon the~~ 19390
~~offender and if the offender also is subject to a period of parole~~ 19391
~~under a life sentence or an indefinite sentence, and if the period~~ 19392
~~of post-release control ends prior to the period of parole, the~~ 19393
~~offender shall be supervised on parole. The offender shall receive~~ 19394
~~credit for post-release control supervision during the period of~~ 19395
~~parole. The offender is not eligible for final release under~~ 19396
~~section 2967.16 of the Revised Code until the post-release control~~ 19397
~~period otherwise would have ended.~~ 19398

~~(b) If a period of post-release control is imposed upon the~~ 19399
~~offender and if the offender also is subject to a period of parole~~ 19400

~~under an indefinite sentence, and if the period of parole ends 19401
prior to the period of post release control, the offender shall be 19402
supervised on post release control. The requirements of parole 19403
supervision shall be satisfied during the post release control 19404
period. 19405~~

~~(c) If an offender is subject to more than one period of 19406
post release control, the period of post release control for all 19407
of the sentences shall be the period of post release control that 19408
expires last, as determined by the parole board or court. Periods 19409
of post release control shall be served concurrently and shall not 19410
be imposed consecutively to each other. 19411~~

~~(d)(G)(1) If an offender is simultaneously subject to a 19412
period of parole under an indefinite or life sentence and a period 19413
of post-release control, or is simultaneously subject to two 19414
periods of post-release control, the period of supervision that 19415
expires last shall determine the length and form of supervision 19416
for all the periods and the related sentences. 19417~~

~~(2) An offender shall receive credit for post-release control 19418
supervision during the period of parole, and shall not be eligible 19419
for final release under section 2967.16 of the Revised Code until 19420
the post-release control period otherwise would have ended. 19421~~

~~(3) If the period of parole ends prior to the end of the 19422
period of post-release control, the requirements of parole 19423
supervision shall be satisfied during the post-release control 19424
period. 19425~~

~~(H)(1) A period of post-release control shall not be imposed 19426
consecutively to any other post-release control period. 19427~~

~~(2) The period of post-release control for a releasee who 19428
commits a felony while under post-release control for an earlier 19429
felony shall be the longer of the period of post-release control 19430
specified for the new felony under division (B) or (C) of this 19431~~

section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 2981.13. (A) Except as otherwise provided in this section, property ordered forfeited as contraband, proceeds, or an instrumentality pursuant to this chapter shall be disposed of, used, or sold pursuant to section 2981.12 of the Revised Code. If the property is to be sold under that section, the prosecutor shall cause notice of the proposed sale to be given in accordance with law.

(B) If the contraband or instrumentality forfeited under this chapter is sold, any moneys acquired from a sale and any proceeds forfeited under this chapter shall be applied in the following order:

(1) First, to pay costs incurred in the seizure, storage, maintenance, security, and sale of the property and in the forfeiture proceeding;

(2) Second, in a criminal forfeiture case, to satisfy any restitution ordered to the victim of the offense or, in a civil forfeiture case, to satisfy any recovery ordered for the person harmed, unless paid from other assets;

(3) Third, to pay the balance due on any security interest preserved under this chapter;

(4) Fourth, apply the remaining amounts as follows:

(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more community addiction services providers as specified in division (D) of section 2981.12 of the Revised Code;

(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement

trust fund of the prosecutor and to the following fund supporting 19462
the law enforcement agency that substantially conducted the 19463
investigation: 19464

(i) The law enforcement trust fund of the county sheriff, 19465
municipal corporation, township, or park district created under 19466
section 511.18 or 1545.01 of the Revised Code; 19467

(ii) The state highway patrol contraband, forfeiture, and 19468
other fund; 19469

(iii) The department of public safety investigative unit 19470
contraband, forfeiture, and other fund; 19471

(iv) The department of taxation enforcement fund; 19472

(v) The board of pharmacy drug law enforcement fund created 19473
by division (B)(1) of section 4729.65 of the Revised Code; 19474

(vi) The medicaid fraud investigation and prosecution fund; 19475

(vii) The bureau of criminal identification and investigation 19476
asset forfeiture and cost reimbursement fund created by section 19477
109.521 of the Revised Code; 19478

(viii) The casino control commission enforcement fund created 19479
by section 3772.36 of the Revised Code; 19480

(ix) The auditor of state investigation and forfeiture trust 19481
fund established under section 117.54 of the Revised Code; 19482

(x) The treasurer of state for deposit into the ~~peace officer~~ 19483
Ohio law enforcement training ~~commission~~ fund if any other state 19484
law enforcement agency substantially conducted the investigation. 19485

In the case of property forfeited for medicaid fraud, any 19486
remaining amount shall be used by the attorney general to 19487
investigate and prosecute medicaid fraud offenses. 19488

If the prosecutor declines to accept any of the remaining 19489
amounts, the amounts shall be applied to the fund of the agency 19490

that substantially conducted the investigation. 19491

(c) If more than one law enforcement agency is substantially 19492
involved in the seizure of property forfeited under this chapter, 19493
the court ordering the forfeiture shall equitably divide the 19494
amounts, after calculating any distribution to the law enforcement 19495
trust fund of the prosecutor pursuant to division (B)(4) of this 19496
section, among the entities that the court determines were 19497
substantially involved in the seizure. 19498

(C)(1) A law enforcement trust fund shall be established by 19499
the prosecutor of each county who intends to receive any remaining 19500
amounts pursuant to this section, by the sheriff of each county, 19501
by the legislative authority of each municipal corporation, by the 19502
board of township trustees of each township that has a township 19503
police department, township or joint police district police force, 19504
or office of the constable, and by the board of park commissioners 19505
of each park district created pursuant to section 511.18 or 19506
1545.01 of the Revised Code that has a park district police force 19507
or law enforcement department, for the purposes of this section. 19508

There is hereby created in the state treasury the state 19509
highway patrol contraband, forfeiture, and other fund, the 19510
department of public safety investigative unit contraband, 19511
forfeiture, and other fund, the medicaid fraud investigation and 19512
prosecution fund, and the department of taxation enforcement fund, 19513
~~and the peace officer training commission fund~~, for the purposes 19514
of this section. 19515

Amounts distributed to any municipal corporation, township, 19516
or park district law enforcement trust fund shall be allocated 19517
from the fund by the legislative authority only to the police 19518
department of the municipal corporation, by the board of township 19519
trustees only to the township police department, township police 19520
district police force, or office of the constable, by the joint 19521
police district board only to the joint police district, and by 19522

the board of park commissioners only to the park district police 19523
force or law enforcement department. 19524

(2)(a) No amounts shall be allocated to a fund under this 19525
section or used by an agency unless the agency has adopted a 19526
written internal control policy that addresses the use of moneys 19527
received from the appropriate fund. The appropriate fund shall be 19528
expended only in accordance with that policy and, subject to the 19529
requirements specified in this section, only for the following 19530
purposes: 19531

(i) To pay the costs of protracted or complex investigations 19532
or prosecutions; 19533

(ii) To provide reasonable technical training or expertise; 19534

(iii) To provide matching funds to obtain federal grants to 19535
aid law enforcement, in the support of DARE programs or other 19536
programs designed to educate adults or children with respect to 19537
the dangers associated with the use of drugs of abuse; 19538

(iv) To pay the costs of emergency action taken under section 19539
3745.13 of the Revised Code relative to the operation of an 19540
illegal methamphetamine laboratory if the forfeited property or 19541
money involved was that of a person responsible for the operation 19542
of the laboratory; 19543

(v) For other law enforcement purposes that the 19544
superintendent of the state highway patrol, department of public 19545
safety, attorney general, auditor of state, prosecutor, county 19546
sheriff, legislative authority, department of taxation, Ohio 19547
casino control commission, board of township trustees, or board of 19548
park commissioners determines to be appropriate. 19549

(b) The board of pharmacy drug law enforcement fund shall be 19550
expended only in accordance with the written internal control 19551
policy so adopted by the board and only in accordance with section 19552
4729.65 of the Revised Code, except that it also may be expended 19553

to pay the costs of emergency action taken under section 3745.13 19554
of the Revised Code relative to the operation of an illegal 19555
methamphetamine laboratory if the forfeited property or money 19556
involved was that of a person responsible for the operation of the 19557
laboratory. 19558

(c) A fund listed in division (B)(4)(b) of this section, 19559
other than the Medicaid fraud investigation and prosecution fund, 19560
shall not be used to meet the operating costs of the agency, 19561
office, or political subdivision that are unrelated to law 19562
enforcement. 19563

(d) Forfeited moneys that are paid into the state treasury to 19564
be deposited into the ~~peace officer~~ Ohio law enforcement training 19565
~~commission~~ fund pursuant to this section shall be used by the 19566
commission only to pay the costs of peace officer training. 19567

(3) Any of the following offices or agencies that receive 19568
amounts under this section during any calendar year shall file a 19569
report with the specified entity, not later than the thirty-first 19570
day of January of the next calendar year, verifying that the 19571
moneys were expended only for the purposes authorized by this 19572
section or other relevant statute and specifying the amounts 19573
expended for each authorized purpose: 19574

(a) Any sheriff or prosecutor shall file the report with the 19575
county auditor. 19576

(b) Any municipal corporation police department shall file 19577
the report with the legislative authority of the municipal 19578
corporation. 19579

(c) Any township police department, township or joint police 19580
district police force, or office of the constable shall file the 19581
report with the board of township trustees of the township. 19582

(d) Any park district police force or law enforcement 19583
department shall file the report with the board of park 19584

commissioners of the park district. 19585

(e) The superintendent of the state highway patrol, the 19586
auditor of state, and the tax commissioner shall file the report 19587
with the attorney general. 19588

(f) The executive director of the state board of pharmacy 19589
shall file the report with the attorney general, verifying that 19590
cash and forfeited proceeds paid into the board of pharmacy drug 19591
law enforcement fund were used only in accordance with section 19592
4729.65 of the Revised Code. 19593

(g) The peace officer training commission shall file a report 19594
with the attorney general, verifying that cash and forfeited 19595
proceeds paid into the ~~peace officer~~ Ohio law enforcement training 19596
~~commission~~ fund pursuant to this section during the prior calendar 19597
year were used by the commission during the prior calendar year 19598
only to pay the costs of peace officer training. 19599

(h) The executive director of the Ohio casino control 19600
commission shall file the report with the attorney general, 19601
verifying that cash and forfeited proceeds paid into the casino 19602
control commission enforcement fund were used only in accordance 19603
with section 3772.36 of the Revised Code. 19604

(D) The written internal control policy of a county sheriff, 19605
prosecutor, municipal corporation police department, township 19606
police department, township or joint police district police force, 19607
office of the constable, or park district police force or law 19608
enforcement department shall provide that at least ten per cent of 19609
the first one hundred thousand dollars of amounts deposited during 19610
each calendar year in the agency's law enforcement trust fund 19611
under this section, and at least twenty per cent of the amounts 19612
exceeding one hundred thousand dollars that are so deposited, 19613
shall be used in connection with community preventive education 19614
programs. The manner of use shall be determined by the sheriff, 19615

prosecutor, department, police force, or office of the constable 19616
after receiving and considering advice on appropriate community 19617
preventive education programs from the county's board of alcohol, 19618
drug addiction, and mental health services, from the county's 19619
alcohol and drug addiction services board, or through appropriate 19620
community dialogue. 19621

The financial records kept under the internal control policy 19622
shall specify the amount deposited during each calendar year in 19623
the portion of that amount that was used pursuant to this 19624
division, and the programs in connection with which the portion of 19625
that amount was so used. 19626

As used in this division, "community preventive education 19627
programs" include, but are not limited to, DARE programs and other 19628
programs designed to educate adults or children with respect to 19629
the dangers associated with using drugs of abuse. 19630

(E) Upon the sale, under this section or section 2981.12 of 19631
the Revised Code, of any property that is required by law to be 19632
titled or registered, the state shall issue an appropriate 19633
certificate of title or registration to the purchaser. If the 19634
state is vested with title and elects to retain property that is 19635
required to be titled or registered under law, the state shall 19636
issue an appropriate certificate of title or registration. 19637

(F) Any failure of a law enforcement officer or agency, 19638
prosecutor, court, or the attorney general to comply with this 19639
section in relation to any property seized does not affect the 19640
validity of the seizure and shall not be considered to be the 19641
basis for suppressing any evidence resulting from the seizure, 19642
provided the seizure itself was lawful. 19643

(G) As used in this section, "Ohio law enforcement training 19644
fund" means the state law enforcement training fund described in 19645
division (C)(3)(f) of Section 6 of Article XV, Ohio Constitution. 19646

Sec. 3107.11. (A) After the filing of a petition to adopt an adult or a minor, the court shall fix a time and place for hearing the petition. The hearing may take place at any time more than thirty days after the date on which the minor is placed in the home of the petitioner. At least twenty days before the date of hearing, notice of the filing of the petition and of the time and place of hearing shall be given by the court to all of the following:

(1) Any juvenile court, agency, or person whose consent to the adoption is required by this chapter but who has not consented;

(2) A person whose consent is not required as provided by division (A), (G), (H), or (I) of section 3107.07 of the Revised Code and has not consented;

(3) Any guardian, custodian, or other party who has temporary custody or permanent custody of the child.

Notice shall not be given to a person whose consent is not required as provided by division (B), (C), (D), (E), (F), or (J) of section 3107.07, or section 3107.071, of the Revised Code. Second notice shall not be given to a juvenile court, agency, or person whose consent is not required as provided by division (K) of section 3107.07 of the Revised Code because the court, agency, or person failed to file an objection to the petition within fourteen days after proof was filed pursuant to division (B) of this section that a first notice was given to the court, agency, or person pursuant to division (A)(1) of this section.

(B) Upon the filing of a petition for adoption that alleges that a parent has failed without justifiable cause to provide more than de minimis contact with the minor or to provide for the maintenance and support of the minor, the clerk of courts shall send a notice to that parent with the following language in

boldface type and in all capital letters: 19678

"A FINAL DECREE OF ADOPTION, IF GRANTED, WILL RELIEVE YOU OF ALL 19679
PARENTAL RIGHTS AND RESPONSIBILITIES, INCLUDING THE RIGHT TO 19680
CONTACT THE MINOR, AND, EXCEPT WITH RESPECT TO A SPOUSE OF THE 19681
ADOPTION PETITIONER AND RELATIVES OF THAT SPOUSE, TERMINATE ALL 19682
LEGAL RELATIONSHIPS BETWEEN THE MINOR AND YOU AND THE MINOR'S 19683
OTHER RELATIVES, SO THAT THE MINOR THEREAFTER IS A STRANGER TO YOU 19684
AND THE MINOR'S FORMER RELATIVES FOR ALL PURPOSES, WITH THE 19685
EXCEPTION OF DIVISION (A)(1)(b) OF SECTION 3107.15 OF THE REVISED 19686
CODE. IF YOU WISH TO CONTEST THE ADOPTION, YOU MUST FILE AN 19687
OBJECTION TO THE PETITION WITHIN FOURTEEN DAYS AFTER PROOF OF 19688
SERVICE OF NOTICE OF THE FILING OF THE PETITION AND OF THE TIME 19689
AND PLACE OF HEARING IS GIVEN TO YOU. IF YOU WISH TO CONTEST THE 19690
ADOPTION, YOU MUST ALSO APPEAR AT THE HEARING. A FINAL DECREE OF 19691
ADOPTION MAY BE ENTERED IF YOU FAIL TO FILE AN OBJECTION TO THE 19692
ADOPTION PETITION OR APPEAR AT THE HEARING." 19693

(C) All notices required under this section shall be given as 19694
specified in the Rules of Civil Procedure. Proof of the giving of 19695
notice shall be filed with the court before the petition is heard. 19696

Sec. 3107.15. (A) A final decree of adoption and an 19697
interlocutory order of adoption that has become final as issued by 19698
a court of this state, or a decree issued by a jurisdiction 19699
outside this state as recognized pursuant to section 3107.18 of 19700
the Revised Code, shall have the following effects as to all 19701
matters within the jurisdiction or before a court of this state, 19702
whether issued before or after May 30, 1996: 19703

(1)(a) Except with respect to a spouse of the petitioner and 19704
relatives of the spouse, to relieve the biological or other legal 19705
parents of the adopted person of all parental rights and 19706
responsibilities, and to terminate all legal relationships between 19707
the adopted person and the adopted person's relatives, including 19708

the adopted person's biological or other legal parents, so that, 19709
except as provided under division (A)(1)(b) of this section, the 19710
adopted person thereafter is a stranger to the adopted person's 19711
former relatives for all purposes including inheritance and the 19712
interpretation or construction of documents, statutes, and 19713
instruments, whether executed before or after the adoption is 19714
decreed, which do not expressly include the person by name or by 19715
some designation not based on a parent and child or blood 19716
relationship; 19717

(b) The legal parents of an adopted person may be notified 19718
that a sibling of the adopted person has been placed into 19719
out-of-home care. For the purposes of this division, "sibling" 19720
means a former biological sibling, former legal sibling, or any 19721
person who would have been considered a sibling if not for a 19722
termination or other disruption of parental rights. 19723

(2) To create the relationship of parent and child between 19724
petitioner and the adopted person, as if the adopted person were a 19725
legitimate blood descendant of the petitioner, for all purposes 19726
including inheritance and applicability of statutes, documents, 19727
and instruments, whether executed before or after the adoption is 19728
decreed, and whether executed or created before or after May 30, 19729
1996, which do not expressly exclude an adopted person from their 19730
operation or effect; 19731

(3) Notwithstanding division (A)(2) of this section, a person 19732
who is eighteen years of age or older at the time the person is 19733
adopted, and the adopted person's lineal descendants, are not 19734
included as recipients of gifts, devises, bequests, or other 19735
transfers of property, including transfers in trust made to a 19736
class of persons including, but not limited to, children, 19737
grandchildren, heirs, issue, lineal descendants, and next of kin, 19738
for purposes of inheritance and applicability of statutes, 19739
documents, and instruments, whether executed or created before or 19740

after May 30, 1996, unless the document or instrument expressly 19741
includes the adopted person by name or expressly states that it 19742
includes a person who is eighteen years of age or older at the 19743
time the person is adopted. 19744

(B) Notwithstanding division (A) of this section, if a parent 19745
of a child dies without the relationship of parent and child 19746
having been previously terminated and a spouse of the living 19747
parent thereafter adopts the child, the child's rights from or 19748
through the deceased parent for all purposes, including 19749
inheritance and applicability or construction of documents, 19750
statutes, and instruments, are not restricted or curtailed by the 19751
adoption. 19752

(C) Notwithstanding division (A) of this section, if the 19753
relationship of parent and child has not been terminated between a 19754
parent and that parent's child and a spouse of the other parent of 19755
the child adopts the child, a grandparent's or relative's right to 19756
companionship or visitation pursuant to section 3109.11 of the 19757
Revised Code is not restricted or curtailed by the adoption. 19758

(D) An interlocutory order of adoption, while it is in force, 19759
has the same legal effect as a final decree of adoption. If an 19760
interlocutory order of adoption is vacated, it shall be as though 19761
void from its issuance, and the rights, liabilities, and status of 19762
all affected persons that have not become vested are governed 19763
accordingly. 19764

Sec. 3119.01. (A) As used in the Revised Code, "child support 19765
enforcement agency" means a child support enforcement agency 19766
designated under former section 2301.35 of the Revised Code prior 19767
to October 1, 1997, or a private or government entity designated 19768
as a child support enforcement agency under section 307.981 of the 19769
Revised Code. 19770

(B) As used in this chapter and Chapters 3121., 3123., and 19771

3125. of the Revised Code:	19772
(1) "Administrative child support order" means any order	19773
issued by a child support enforcement agency for the support of a	19774
child pursuant to section 3109.19 or 3111.81 of the Revised Code	19775
or former section 3111.211 of the Revised Code, section 3111.21 of	19776
the Revised Code as that section existed prior to January 1, 1998,	19777
or section 3111.20 or 3111.22 of the Revised Code as those	19778
sections existed prior to March 22, 2001.	19779
(2) "Child support order" means either a court child support	19780
order or an administrative child support order.	19781
(3) "Obligee" means the person who is entitled to receive the	19782
support payments under a support order.	19783
(4) "Obligor" means the person who is required to pay support	19784
under a support order.	19785
(5) "Support order" means either an administrative child	19786
support order or a court support order.	19787
(C) As used in this chapter:	19788
(1) "Cash medical support" means an amount ordered to be paid	19789
in a child support order toward the ordinary medical expenses	19790
incurred during a calendar year.	19791
(2) "Child care cost" means annual out-of-pocket costs for	19792
the care and supervision of a child or children subject to the	19793
order that is related to work or employment training.	19794
(3) "Court child support order" means any order issued by a	19795
court for the support of a child pursuant to Chapter 3115. of the	19796
Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	19797
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	19798
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	19799
Code, or division (B) of former section 3113.21 of the Revised	19800
Code.	19801

(4) "Court-ordered parenting time" means the amount of parenting time a parent is to have under a parenting time order or the amount of time the children are to be in the physical custody of a parent under a shared parenting order.

(5) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(6) "CPI-U" means the consumer price index for all urban consumers, published by the United States department of labor, bureau of labor statistics.

(7) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed the total cash medical support amount owed by the parents during that year.

(8) "Federal poverty level" has the same meaning as in section 5121.30 of the Revised Code.

(9) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(10) "Income share" means the percentage derived from a comparison of each parent's annual income after allowable deductions and credits as indicated on the worksheet to the total annual income of both parents.

(11) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this

state, any health insuring corporation, and any legal entity that 19832
is self-insured and provides benefits to its employees or members. 19833

(12) "Gross income" means, except as excluded in division 19834
(C)(12) of this section, the total of all earned and unearned 19835
income from all sources during a calendar year, whether or not the 19836
income is taxable, and includes income from salaries, wages, 19837
overtime pay, and bonuses to the extent described in division (D) 19838
of section 3119.05 of the Revised Code; commissions; royalties; 19839
tips; rents; dividends; severance pay; pensions; interest; trust 19840
income; annuities; social security benefits, including retirement, 19841
disability, and survivor benefits that are not means-tested; 19842
workers' compensation benefits; unemployment insurance benefits; 19843
disability insurance benefits; benefits that are not means-tested 19844
and that are received by and in the possession of the veteran who 19845
is the beneficiary for any service-connected disability under a 19846
program or law administered by the United States department of 19847
veterans' affairs or veterans' administration; spousal support 19848
actually received; and all other sources of income. "Gross income" 19849
includes income of members of any branch of the United States 19850
armed services or national guard, including, amounts representing 19851
base pay, basic allowance for quarters, basic allowance for 19852
subsistence, supplemental subsistence allowance, cost of living 19853
adjustment, specialty pay, variable housing allowance, and pay for 19854
training or other types of required drills; self-generated income; 19855
and potential cash flow from any source. 19856

"Gross income" does not include any of the following: 19857

(a) Benefits received from means-tested government 19858
administered programs, including Ohio works first; prevention, 19859
retention, and contingency; means-tested veterans' benefits; 19860
supplemental security income; supplemental nutrition assistance 19861
program; disability financial assistance; or other assistance for 19862
which eligibility is determined on the basis of income or assets; 19863

(b) Benefits for any service-connected disability under a program or law administered by the United States department of veterans' affairs or veterans' administration that are not means-tested, that have not been distributed to the veteran who is the beneficiary of the benefits, and that are in the possession of the United States department of veterans' affairs or veterans' administration;

(c) Child support amounts received for children who are not included in the current calculation;

(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;

(e) Nonrecurring or unsustainable income or cash flow items;

(f) Adoption assistance, kinship guardianship assistance, and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended;

(g) State kinship guardianship assistance described in section 5153.163 of the Revised Code.

(13) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.

(14) "Ordinary medical expenses" includes copayments and deductibles, and uninsured medical-related costs for the children

of the order.	19895
(15)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	19896 19897 19898 19899
(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(15)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.	19900 19901 19902 19903 19904 19905 19906
(16) "Personal earnings" means compensation paid or payable for personal services, however denominated, and includes wages, salary, commissions, bonuses, draws against commissions, profit sharing, vacation pay, or any other compensation.	19907 19908 19909 19910
(17) "Potential income" means both of the following for a parent who the court pursuant to a court support order, or a child support enforcement agency pursuant to an administrative child support order, determines is voluntarily unemployed or voluntarily underemployed:	19911 19912 19913 19914 19915
(a) Imputed income that the court or agency determines the parent would have earned if fully employed as determined from the following criteria:	19916 19917 19918
(i) The parent's prior employment experience;	19919
(ii) The parent's education;	19920
(iii) The parent's physical and mental disabilities, if any;	19921
(iv) The availability of employment in the geographic area in which the parent resides;	19922 19923
(v) The prevailing wage and salary levels in the geographic	19924

area in which the parent resides;	19925
(vi) The parent's special skills and training;	19926
(vii) Whether there is evidence that the parent has the ability to earn the imputed income;	19927 19928
(viii) The age and special needs of the child for whom child support is being calculated under this section;	19929 19930
(ix) The parent's increased earning capacity because of experience;	19931 19932
(x) The parent's decreased earning capacity because of a felony conviction;	19933 19934
(xi) Any other relevant factor.	19935
(b) Imputed income from any nonincome-producing assets of a parent, as determined from the local passbook savings rate or another appropriate rate as determined by the court or agency, not to exceed the rate of interest specified in division (A) of section 1343.03 of the Revised Code, if the income is significant.	19936 19937 19938 19939 19940
(18) "Schedule" means the basic child support schedule created pursuant to section 3119.021 of the Revised Code.	19941 19942
(19) "Self-generated income" means gross receipts received by a parent from self-employment, proprietorship of a business, joint ownership of a partnership or closely held corporation, and rents minus ordinary and necessary expenses incurred by the parent in generating the gross receipts. "Self-generated income" includes expense reimbursements or in-kind payments received by a parent from self-employment, the operation of a business, or rents, including company cars, free housing, reimbursed meals, and other benefits, if the reimbursements are significant and reduce personal living expenses.	19943 19944 19945 19946 19947 19948 19949 19950 19951 19952
(20) "Self-sufficiency reserve" means the minimal amount necessary for an obligor to adequately subsist upon, as determined	19953 19954

under section 3119.021 of the Revised Code. 19955

(21) "Split parental rights and responsibilities" means a 19956
situation in which there is more than one child who is the subject 19957
of an allocation of parental rights and responsibilities and each 19958
parent is the residential parent and legal custodian of at least 19959
one of those children. 19960

(22) "Worksheet" means the applicable worksheet created in 19961
rules adopted under section 3119.022 of the Revised Code that is 19962
used to calculate a parent's child support obligation. 19963

Sec. 3301.079. (A)(1) The state board of education 19964
periodically shall adopt statewide academic standards with 19965
emphasis on coherence, focus, and essential knowledge and that are 19966
more challenging and demanding when compared to international 19967
standards for each of grades kindergarten through twelve in 19968
English language arts, mathematics, science, and social studies. 19969

(a) The state board shall ensure that the standards do all of 19970
the following: 19971

(i) Include the essential academic content and skills that 19972
students are expected to know and be able to do at each grade 19973
level that will allow each student to be prepared for 19974
postsecondary instruction and the workplace for success in the 19975
twenty-first century; 19976

(ii) Include the development of skill sets that promote 19977
information, media, and technological literacy; 19978

(iii) Include interdisciplinary, project-based, real-world 19979
learning opportunities; 19980

(iv) Instill life-long learning by providing essential 19981
knowledge and skills based in the liberal arts tradition, as well 19982
as science, technology, engineering, mathematics, and 19983
career-technical education; 19984

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.

(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents prescribed by this division in their historical context, which teachers may use as a resource to assist students in reading the documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in

those grades and revise and update them periodically. 20017

The department of education shall employ a full-time physical 20018
education coordinator to provide guidance and technical assistance 20019
to districts, community schools, and STEM schools in implementing 20020
the physical education standards adopted under this division. The 20021
superintendent of public instruction shall determine that the 20022
person employed as coordinator is qualified for the position, as 20023
demonstrated by possessing an adequate combination of education, 20024
license, and experience. 20025

(4) Not later than ~~December 31, 2018~~ one year after the 20026
effective date of this amendment, the state board shall ~~adopt~~ 20027
update the standards and a model curriculum for instruction in 20028
computer science in grades kindergarten through twelve, which 20029
shall include standards for introductory and advanced computer 20030
science courses in grades nine through twelve. When developing the 20031
standards and curriculum, the state board shall consider 20032
recommendations from computer science education stakeholder 20033
groups, including teachers and representatives from higher 20034
education, industry, computer science organizations in Ohio, and 20035
national computer science organizations. 20036

Any district or school may utilize the computer science 20037
standards or model curriculum or any part thereof adopted pursuant 20038
to division (A)(4) of this section. However, no district or school 20039
shall be required to utilize all or any part of the standards or 20040
curriculum. 20041

(5) When academic standards have been completed for any 20042
subject area required by this section, the state board shall 20043
inform all school districts, all community schools established 20044
under Chapter 3314. of the Revised Code, all STEM schools 20045
established under Chapter 3326. of the Revised Code, and all 20046
nonpublic schools required to administer the assessments 20047
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 20048

of the content of those standards. Additionally, upon completion 20049
of any academic standards under this section, the department shall 20050
post those standards on the department's web site. 20051

(B)(1) The state board shall adopt a model curriculum for 20052
instruction in each subject area for which updated academic 20053
standards are required by division (A)(1) of this section and for 20054
each of grades kindergarten through twelve that is sufficient to 20055
meet the needs of students in every community. The model 20056
curriculum shall be aligned with the standards, to ensure that the 20057
academic content and skills specified for each grade level are 20058
taught to students, and shall demonstrate vertical articulation 20059
and emphasize coherence, focus, and rigor. When any model 20060
curriculum has been completed, the state board shall inform all 20061
school districts, community schools, and STEM schools of the 20062
content of that model curriculum. 20063

(2) Not later than June 30, 2013, the state board, in 20064
consultation with any office housed in the governor's office that 20065
deals with workforce development, shall adopt model curricula for 20066
grades kindergarten through twelve that embed career connection 20067
learning strategies into regular classroom instruction. 20068

(3) All school districts, community schools, and STEM schools 20069
may utilize the state standards and the model curriculum 20070
established by the state board, together with other relevant 20071
resources, examples, or models to ensure that students have the 20072
opportunity to attain the academic standards. Upon request, the 20073
department shall provide technical assistance to any district, 20074
community school, or STEM school in implementing the model 20075
curriculum. 20076

Nothing in this section requires any school district to 20077
utilize all or any part of a model curriculum developed under this 20078
section. 20079

(C) The state board shall develop achievement assessments 20080
aligned with the academic standards and model curriculum for each 20081
of the subject areas and grade levels required by divisions (A)(1) 20082
and (B)(1) of section 3301.0710 of the Revised Code. 20083

When any achievement assessment has been completed, the state 20084
board shall inform all school districts, community schools, STEM 20085
schools, and nonpublic schools required to administer the 20086
assessment of its completion, and the department shall make the 20087
achievement assessment available to the districts and schools. 20088

~~(D)(1)~~ (D)(1)(a) The state board shall adopt a diagnostic 20089
assessment aligned with the academic standards and model 20090
curriculum for each of grades kindergarten through two in reading, 20091
writing, and mathematics and for grade three in reading and 20092
writing. The diagnostic assessment shall be designed to measure 20093
student comprehension of academic content and mastery of related 20094
skills for the relevant subject area and grade level. ~~Any~~ 20095

(b) Except for the kindergarten readiness assessment 20096
described in section 3301.0715 of the Revised Code, the state 20097
board shall not adopt any diagnostic assessment for grades 20098
kindergarten through three in reading that does not include a 20099
sufficient number of items related to phonological awareness, 20100
phonemic awareness, rapid naming skills, nonsense word fluency, 20101
and correspondence between sounds and letters to identify students 20102
who may need further measures to determine if the students have 20103
dyslexia, as defined in section 3319.80 of the Revised Code. 20104

(c) For each assessment adopted under this section, the 20105
department of education shall require that the test vendor share 20106
information with the school regarding student performance on 20107
identification items related to dyslexia described under division 20108
(D)(1)(b) of this section. The department also shall require the 20109
vendor to provide a summary of such information to the department, 20110
in the manner prescribed by the department. 20111

(d) Any diagnostic assessment shall not include components to identify gifted students. Blank copies of diagnostic assessments shall be public records.

(e) Any diagnostic assessment adopted by the state board under division (D) of this section, other than the kindergarten readiness assessment, may be used to meet the requirement to administer a tier one dyslexia screening to students under section 3323.251 of the Revised Code.

(2) When each diagnostic assessment has been completed, the state board shall inform all school districts of its completion and the department shall make the diagnostic assessment available to the districts at no cost to the district.

(3) School districts shall administer the diagnostic assessment pursuant to section 3301.0715 of the Revised Code beginning the first school year following the development of the assessment.

However, beginning with the 2017-2018 school year, both of the following shall apply:

(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board;

(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (D)(3)(a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code.

(E) The state board shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section.

(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel, and administrators with expertise in the appropriate subject area. Whenever practicable, the state board and department shall consult with teachers recognized as outstanding in their fields.

If the department contracts with more than one outside entity for the development of the achievement assessments required by this section, the department shall ensure the interchangeability of those assessments.

(G) Whenever the state board adopts standards or model curricula under this section, the department also shall provide information on the use of blended or digital learning in the delivery of the standards or curricula to students in accordance with division (A)(5) of this section.

(H) The fairness sensitivity review committee, established by rule of the state board of education, shall not allow any question on any achievement or diagnostic assessment developed under this section or any proficiency test prescribed by former section 3301.0710 of the Revised Code, as it existed prior to September 11, 2001, to include, be written to promote, or inquire as to individual moral or social values or beliefs. The decision of the committee shall be final. This section does not create a private cause of action.

(I) Not later than sixty days prior to the adoption by the state board of updated academic standards under division (A)(1) of this section or updated model curricula under division (B)(1) of this section, the superintendent of public instruction shall

present the academic standards or model curricula, as applicable, 20174
in person at a public hearing of the respective committees of the 20175
house of representatives and senate that consider education 20176
legislation. 20177

(J) As used in this section: 20178

(1) "Blended learning" means the delivery of instruction in a 20179
combination of time in a supervised physical location away from 20180
home and online delivery whereby the student has some element of 20181
control over time, place, path, or pace of learning. 20182

(2) "Coherence" means a reflection of the structure of the 20183
discipline being taught. 20184

(3) "Digital learning" means learning facilitated by 20185
technology that gives students some element of control over time, 20186
place, path, or pace of learning. 20187

(4) "Focus" means limiting the number of items included in a 20188
curriculum to allow for deeper exploration of the subject matter. 20189

(5) "Vertical articulation" means key academic concepts and 20190
skills associated with mastery in particular content areas should 20191
be articulated and reinforced in a developmentally appropriate 20192
manner at each grade level so that over time students acquire a 20193
depth of knowledge and understanding in the core academic 20194
disciplines. 20195

Sec. 3301.0712. (A) The state board of education, the 20196
superintendent of public instruction, and the chancellor of higher 20197
education shall develop a system of college and work ready 20198
assessments as described in division (B) of this section to assess 20199
whether each student upon graduating from high school is ready to 20200
enter college or the workforce. Beginning with students who enter 20201
the ninth grade for the first time on or after July 1, 2014, the 20202
system shall replace the Ohio graduation tests prescribed in 20203

division (B)(1) of section 3301.0710 of the Revised Code as a 20204
measure of student academic performance and one determinant of 20205
eligibility for a high school diploma in the manner prescribed by 20206
rule of the state board adopted under division (D) of this 20207
section. 20208

(B) The college and work ready assessment system shall 20209
consist of the following: 20210

(1) ~~Nationally~~(a) Except as provided in division (B)(1)(b) of 20211
this section, nationally standardized assessments that measure 20212
college and career readiness and are used for college admission. 20213
The assessments shall be selected jointly by the state 20214
superintendent and the chancellor, and one of which shall be 20215
selected by each school district or school to administer to its 20216
students. The assessments prescribed under division (B)(1) of this 20217
section shall be administered to all eleventh-grade students in 20218
the spring of the school year. 20219

(b) Beginning with students who enter the ninth grade for the 20220
first time on or after the first day of July immediately following 20221
the effective date of this amendment, nationally standardized 20222
assessments selected under division (B)(1)(a) of this section 20223
shall not be required. The assessments shall be offered to all 20224
eleventh-grade students in the spring of each school year but 20225
participation in the assessment is voluntary. 20226

(2)(a) Except as provided in division (B)(2)(b) of this 20227
section, seven end-of-course examinations, one in each of the 20228
areas of English language arts I, English language arts II, 20229
science, Algebra I, geometry, American history, and American 20230
government. The end-of-course examinations shall be selected 20231
jointly by the state superintendent and the chancellor in 20232
consultation with faculty in the appropriate subject areas at 20233
institutions of higher education of the university system of Ohio. 20234

Advanced placement examinations and international baccalaureate 20235
examinations, as prescribed under section 3313.6013 of the Revised 20236
Code, in the areas of science, American history, and American 20237
government may be used as end-of-course examinations in accordance 20238
with division (B)(4)(a)(i) of this section. Final course grades 20239
for courses taken under any other advanced standing program, as 20240
prescribed under section 3313.6013 of the Revised Code, in the 20241
areas of science, American history, and American government may be 20242
used in lieu of end-of-course examinations in accordance with 20243
division (B)(4)(a)(ii) of this section. 20244

(b) Beginning with students who enter ninth grade for the 20245
first time on or after July 1, 2019, five end-of-course 20246
examinations, one in each areas of English language arts II, 20247
science, Algebra I, American history, and American government. 20248
However, only the end-of-course examinations in English language 20249
arts II and Algebra I shall be required for graduation. 20250

The department of education shall, as necessary to implement 20251
division (B)(2)(b) of this section, seek a waiver from the United 20252
States secretary of education for testing requirements prescribed 20253
under federal law to allow for the use and implementation of 20254
Algebra I as the primary assessment of high school mathematics. If 20255
the department does not receive a waiver under this division, the 20256
end-of-course examinations for students described in division 20257
(B)(2)(b) of this section also shall include an end-of-course 20258
examination in the area of geometry. However, the geometry 20259
end-of-course examination shall not be required for graduation. 20260

(3)(a) Not later than July 1, 2013, each school district 20261
board of education shall adopt interim end-of-course examinations 20262
that comply with the requirements of divisions (B)(3)(b)(i) and 20263
(ii) of this section to assess mastery of American history and 20264
American government standards adopted under division (A)(1)(b) of 20265
section 3301.079 of the Revised Code and the topics required under 20266

division (M) of section 3313.603 of the Revised Code. Each high 20267
school of the district shall use the interim examinations until 20268
the state superintendent and chancellor select end-of-course 20269
examinations in American history and American government under 20270
division (B)(2) of this section. 20271

(b) Not later than July 1, 2014, the state superintendent and 20272
the chancellor shall select the end-of-course examinations in 20273
American history and American government. 20274

(i) The end-of-course examinations in American history and 20275
American government shall require demonstration of mastery of the 20276
American history and American government content for social 20277
studies standards adopted under division (A)(1)(b) of section 20278
3301.079 of the Revised Code and the topics required under 20279
division (M) of section 3313.603 of the Revised Code. 20280

(ii) At least twenty per cent of the end-of-course 20281
examination in American government shall address the topics on 20282
American history and American government described in division (M) 20283
of section 3313.603 of the Revised Code. 20284

(4)(a) Notwithstanding anything to the contrary in this 20285
section, beginning with the 2014-2015 school year, both of the 20286
following shall apply: 20287

(i) If a student is enrolled in an appropriate advanced 20288
placement or international baccalaureate course, that student 20289
shall take the advanced placement or international baccalaureate 20290
examination in lieu of the science, American history, or American 20291
government end-of-course examinations prescribed under division 20292
(B)(2) of this section. The state board shall specify the score 20293
levels for each advanced placement examination and international 20294
baccalaureate examination for purposes of calculating the minimum 20295
cumulative performance score that demonstrates the level of 20296
academic achievement necessary to earn a high school diploma. 20297

(ii) If a student is enrolled in an appropriate course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, that student shall not be required to take the science, American history, or American government end-of-course examination, whichever is applicable, prescribed under division (B)(2) of this section. Instead, that student's final course grade shall be used in lieu of the applicable end-of-course examination prescribed under that section. The state superintendent, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades that demonstrate the level of academic achievement necessary to earn a high school diploma.

Division (B)(4)(a)(ii) of this section shall apply only to courses for which students receive transcribed credit, as defined in section 3365.01 of the Revised Code. It shall not apply to remedial or developmental courses.

(b) No student shall take a substitute examination or examination prescribed under division (B)(4)(a) of this section in place of the end-of-course examinations in English language arts I, English language arts II, Algebra I, or geometry prescribed under division (B)(2) of this section.

(c) The state board shall consider additional assessments that may be used, beginning with the 2016-2017 school year, as substitute examinations in lieu of the end-of-course examinations prescribed under division (B)(2) of this section.

(5) The state board shall do all of the following:

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Not later than sixty days after the designation of ranges of scores, the state

superintendent, or the state superintendent's designee, shall 20329
conduct a public presentation before the standing committees of 20330
the house of representatives and the senate that consider primary 20331
and secondary education legislation regarding the designated range 20332
of scores. Each range of scores shall be considered to demonstrate 20333
a level of achievement so that any student attaining a score 20334
within such range has achieved one of the following: 20335

- (i) An advanced level of skill; 20336
- (ii) An accelerated level of skill; 20337
- (iii) A proficient level of skill; 20338
- (iv) A basic level of skill; 20339
- (v) A limited level of skill. 20340

(b) Determine a method by which to calculate a cumulative 20341
performance score based on the results of a student's 20342
end-of-course examinations or substitute examinations; 20343

(c) Determine the minimum cumulative performance score that 20344
demonstrates the level of academic achievement necessary to earn a 20345
high school diploma under division (A)(2) of section 3313.618 of 20346
the Revised Code. However, the state board shall not determine a 20347
new minimum cumulative performance score after ~~the effective date~~ 20348
~~of this amendment~~ October 17, 2019. 20349

(d) Develop a table of corresponding score equivalents for 20350
the end-of-course examinations and substitute examinations in 20351
order to calculate student performance consistently across the 20352
different examinations. 20353

A score of two on an advanced placement examination or a 20354
score of two or three on an international baccalaureate 20355
examination shall be considered equivalent to a proficient level 20356
of skill as specified under division (B)(5)(a)(iii) of this 20357
section. 20358

(6)(a) A student who meets both of the following conditions 20359
shall not be required to take an end-of-course examination: 20360

(i) The student received high school credit prior to July 1, 20361
2015, for a course for which the end-of-course examination is 20362
prescribed. 20363

(ii) The examination was not available for administration 20364
prior to July 1, 2015. 20365

Receipt of credit for the course described in division 20366
(B)(6)(a)(i) of this section shall satisfy the requirement to take 20367
the end-of-course examination. A student exempted under division 20368
(B)(6)(a) of this section may take the applicable end-of-course 20369
examination at a later date. 20370

(b) For purposes of determining whether a student who is 20371
exempt from taking an end-of-course examination under division 20372
(B)(6)(a) of this section has attained the cumulative score 20373
prescribed by division (B)(5)(c) of this section, such student 20374
shall select either of the following: 20375

(i) The student is considered to have attained a proficient 20376
score on the end-of-course examination from which the student is 20377
exempt; 20378

(ii) The student's final course grade shall be used in lieu 20379
of a score on the end-of-course examination from which the student 20380
is exempt. 20381

The state superintendent, in consultation with the 20382
chancellor, shall adopt guidelines for purposes of calculating the 20383
corresponding final course grades and the minimum cumulative 20384
performance score that demonstrates the level of academic 20385
achievement necessary to earn a high school diploma. 20386

(7)(a) Notwithstanding anything to the contrary in this 20387
section, the state board may replace the algebra I end-of-course 20388

examination prescribed under division (B)(2) of this section with 20389
an algebra II end-of-course examination, beginning with the 20390
2016-2017 school year for students who enter ninth grade on or 20391
after July 1, 2016. 20392

(b) If the state board replaces the algebra I end-of-course 20393
examination with an algebra II end-of-course examination as 20394
authorized under division (B)(7)(a) of this section, both of the 20395
following shall apply: 20396

(i) A student who is enrolled in an advanced placement or 20397
international baccalaureate course in algebra II shall take the 20398
advanced placement or international baccalaureate examination in 20399
lieu of the algebra II end-of-course examination. 20400

(ii) A student who is enrolled in an algebra II course under 20401
any other advanced standing program, as described in section 20402
3313.6013 of the Revised Code, shall not be required to take the 20403
algebra II end-of-course examination. Instead, that student's 20404
final course grade shall be used in lieu of the examination. 20405

(c) If a school district or school utilizes an integrated 20406
approach to mathematics instruction, the district or school may do 20407
either or both of the following: 20408

(i) Administer an integrated mathematics I end-of-course 20409
examination in lieu of the prescribed algebra I end-of-course 20410
examination; 20411

(ii) Administer an integrated mathematics II end-of-course 20412
examination in lieu of the prescribed geometry end-of-course 20413
examination. 20414

(8)(a) For students entering the ninth grade for the first 20415
time on or after July 1, 2014, but prior to July 1, 2015, the 20416
assessment in the area of science shall be physical science or 20417
biology. For students entering the ninth grade for the first time 20418
on or after July 1, 2015, the assessment in the area of science 20419

shall be biology. 20420

(b) Until July 1, 2019, the department shall make available 20421
the end-of-course examination in physical science for students who 20422
entered the ninth grade for the first time on or after July 1, 20423
2014, but prior to July 1, 2015, and who wish to retake the 20424
examination. 20425

(c) Not later than July 1, 2016, the state board shall adopt 20426
rules prescribing the requirements for the end-of-course 20427
examination in science for students who entered the ninth grade 20428
for the first time on or after July 1, 2014, but prior to July 1, 20429
2015, and who have not met the requirement prescribed by section 20430
3313.618 of the Revised Code by July 1, 2019, due to a student's 20431
failure to satisfy division (A)(2) of section 3313.618 of the 20432
Revised Code. 20433

(9) Neither the state board nor the department of education 20434
shall develop or administer an end-of-course examination in the 20435
area of world history. 20436

(10) Not later than March 1, 2020, the department, in 20437
consultation with the chancellor and the governor's office of 20438
workforce transformation, shall determine a competency score for 20439
both of the Algebra I and English language arts II end-of-course 20440
examinations for the purpose of graduation eligibility. 20441

(C) The state board shall convene a group of national 20442
experts, state experts, and local practitioners to provide advice, 20443
guidance, and recommendations for the alignment of standards and 20444
model curricula to the assessments and in the design of the 20445
end-of-course examinations prescribed by this section. 20446

(D) Upon completion of the development of the assessment 20447
system, the state board shall adopt rules prescribing all of the 20448
following: 20449

(1) A timeline and plan for implementation of the assessment 20450

system, including a phased implementation if the state board 20451
determines such a phase-in is warranted; 20452

(2) The date after which a person shall meet the requirements 20453
of the entire assessment system as a prerequisite for a diploma of 20454
adult education under section 3313.611 of the Revised Code; 20455

(3) Whether and the extent to which a person may be excused 20456
from an American history end-of-course examination and an American 20457
government end-of-course examination under division (H) of section 20458
3313.61 and division (B)(3) of section 3313.612 of the Revised 20459
Code; 20460

(4) The date after which a person who has fulfilled the 20461
curriculum requirement for a diploma but has not passed one or 20462
more of the required assessments at the time the person fulfilled 20463
the curriculum requirement shall meet the requirements of the 20464
entire assessment system as a prerequisite for a high school 20465
diploma under division (B) of section 3313.614 of the Revised 20466
Code; 20467

(5) The extent to which the assessment system applies to 20468
students enrolled in a dropout recovery and prevention program for 20469
purposes of division (F) of section 3313.603 and section 3314.36 20470
of the Revised Code. 20471

(E) Not later than forty-five days prior to the state board's 20472
adoption of a resolution directing the department to file the 20473
rules prescribed by division (D) of this section in final form 20474
under section 119.04 of the Revised Code, the superintendent of 20475
public instruction shall present the assessment system developed 20476
under this section to the respective committees of the house of 20477
representatives and senate that consider education legislation. 20478

(F)(1) Any person enrolled in a nonchartered nonpublic school 20479
or any person who has been excused from attendance at school for 20480
the purpose of home instruction under section 3321.04 of the 20481

Revised Code may choose to participate in the system of 20482
assessments administered under divisions (B)(1) and (2) of this 20483
section. However, no such person shall be required to participate 20484
in the system of assessments. 20485

(2) The department shall adopt rules for the administration 20486
and scoring of any assessments under division (F)(1) of this 20487
section. 20488

(G) Not later than December 31, 2014, the state board shall 20489
select at least one nationally recognized job skills assessment. 20490
Each school district shall administer that assessment to those 20491
students who opt to take it. The state shall reimburse a school 20492
district for the costs of administering that assessment. The state 20493
board shall establish the minimum score a student must attain on 20494
the job skills assessment in order to demonstrate a student's 20495
workforce readiness and employability. The administration of the 20496
job skills assessment to a student under this division shall not 20497
exempt a school district from administering the assessments 20498
prescribed in division (B) of this section to that student. 20499

Sec. 3301.0714. (A) The state board of education shall adopt 20500
rules for a statewide education management information system. The 20501
rules shall require the state board to establish guidelines for 20502
the establishment and maintenance of the system in accordance with 20503
this section and the rules adopted under this section. The 20504
guidelines shall include: 20505

(1) Standards identifying and defining the types of data in 20506
the system in accordance with divisions (B) and (C) of this 20507
section; 20508

(2) Procedures for annually collecting and reporting the data 20509
to the state board in accordance with division (D) of this 20510
section; 20511

(3) Procedures for annually compiling the data in accordance with division (G) of this section;	20512 20513
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	20514 20515
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	20516 20517
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	20518 20519 20520
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	20521 20522 20523
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section.	20524 20525 20526 20527 20528 20529 20530 20531 20532 20533 20534 20535 20536 20537 20538 20539 20540 20541
(b) The numbers of students receiving support or	20542

extracurricular services for each of the support services or 20543
extracurricular programs offered by the school district, such as 20544
counseling services, health services, and extracurricular sports 20545
and fine arts programs. The categories of services required by the 20546
guidelines under this division shall be the same as the categories 20547
of services used in determining cost units pursuant to division 20548
(C)(4)(a) of this section. 20549

(c) Average student grades in each subject in grades nine 20550
through twelve; 20551

(d) Academic achievement levels as assessed under sections 20552
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 20553

(e) The number of students designated as having a disabling 20554
condition pursuant to division (C)(1) of section 3301.0711 of the 20555
Revised Code; 20556

(f) The numbers of students reported to the state board 20557
pursuant to division (C)(2) of section 3301.0711 of the Revised 20558
Code; 20559

(g) Attendance rates and the average daily attendance for the 20560
year. For purposes of this division, a student shall be counted as 20561
present for any field trip that is approved by the school 20562
administration. 20563

(h) Expulsion rates; 20564

(i) Suspension rates; 20565

(j) Dropout rates; 20566

(k) Rates of retention in grade; 20567

(l) For pupils in grades nine through twelve, the average 20568
number of carnegie units, as calculated in accordance with state 20569
board of education rules; 20570

(m) Graduation rates, to be calculated in a manner specified 20571
by the department of education that reflects the rate at which 20572

students who were in the ninth grade three years prior to the 20573
current year complete school and that is consistent with 20574
nationally accepted reporting requirements; 20575

(n) Results of diagnostic assessments administered to 20576
kindergarten students as required under section 3301.0715 of the 20577
Revised Code to permit a comparison of the academic readiness of 20578
kindergarten students. However, no district shall be required to 20579
report to the department the results of any diagnostic assessment 20580
administered to a kindergarten student, except for the language 20581
and reading assessment described in division (A)(2) of section 20582
3301.0715 of the Revised Code, if the parent of that student 20583
requests the district not to report those results. 20584

(o) Beginning on July 1, 2018, for each disciplinary action 20585
which is required to be reported under division (B)(4) of this 20586
section, districts and schools also shall include an 20587
identification of the person or persons, if any, at whom the 20588
student's violent behavior that resulted in discipline was 20589
directed. The person or persons shall be identified by the 20590
respective classification at the district or school, such as 20591
student, teacher, or nonteaching employee, but shall not be 20592
identified by name. 20593

Division (B)(1)(o) of this section does not apply after the 20594
date that is two years following the submission of the report 20595
required by Section 733.13 of H.B. 49 of the 132nd general 20596
assembly. 20597

(p) The number of students earning each state diploma seal 20598
included in the system prescribed under division (A) of section 20599
3313.6114 of the Revised Code; 20600

(q) The number of students demonstrating competency for 20601
graduation using each option described in divisions (B)(1)(a) to 20602
~~(e)~~(d) of section 3313.618 of the Revised Code; 20603

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school

building in the school district.	20636
(d) The number of lead teachers employed by each school district and each school building.	20637 20638
(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.	20639 20640 20641 20642 20643 20644 20645 20646 20647 20648 20649
(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.	20650 20651 20652 20653 20654
(4) <u>The annual reports submitted by each school district under section 3317.25 of the Revised Code describing the initiative or initiatives on which the district's disadvantaged pupil impact aid were spent;</u>	20655 20656 20657 20658
(5) <u>The average number of students riding on school buses routed to community schools established under Chapter 3314. of the Revised Code in accordance with section 3327.01 of the Revised Code;</u>	20659 20660 20661 20662
(6) <u>The average number of students riding on school buses routed to STEM schools established under Chapter 3326. of the Revised Code in accordance with section 3327.01 of the Revised Code;</u>	20663 20664 20665 20666

(7) The average number of students riding on school buses 20667
routed to nonpublic schools in accordance with section 3327.01 of 20668
the Revised Code; 20669

(8) Any data required to be collected pursuant to federal 20670
law. 20671

(C) The education management information system shall include 20672
cost accounting data for each district as a whole and for each 20673
school building in each school district. The guidelines adopted 20674
under this section shall require the cost data for each school 20675
district to be maintained in a system of mutually exclusive cost 20676
units and shall require all of the costs of each school district 20677
to be divided among the cost units. The guidelines shall require 20678
the system of mutually exclusive cost units to include at least 20679
the following: 20680

(1) Administrative costs for the school district as a whole. 20681
The guidelines shall require the cost units under this division 20682
(C)(1) to be designed so that each of them may be compiled and 20683
reported in terms of average expenditure per pupil in ~~formula~~ 20684
enrolled ADM in the school district, as determined pursuant to 20685
section 3317.03 of the Revised Code. 20686

(2) Administrative costs for each school building in the 20687
school district. The guidelines shall require the cost units under 20688
this division (C)(2) to be designed so that each of them may be 20689
compiled and reported in terms of average expenditure per 20690
full-time equivalent pupil receiving instructional or support 20691
services in each building. 20692

(3) Instructional services costs for each category of 20693
instructional service provided directly to students and required 20694
by guidelines adopted pursuant to division (B)(1)(a) of this 20695
section. The guidelines shall require the cost units under 20696
division (C)(3) of this section to be designed so that each of 20697

them may be compiled and reported in terms of average expenditure 20698
per pupil receiving the service in the school district as a whole 20699
and average expenditure per pupil receiving the service in each 20700
building in the school district and in terms of a total cost for 20701
each category of service and, as a breakdown of the total cost, a 20702
cost for each of the following components: 20703

(a) The cost of each instructional services category required 20704
by guidelines adopted under division (B)(1)(a) of this section 20705
that is provided directly to students by a classroom teacher; 20706

(b) The cost of the instructional support services, such as 20707
services provided by a speech-language pathologist, classroom 20708
aide, multimedia aide, or librarian, provided directly to students 20709
in conjunction with each instructional services category; 20710

(c) The cost of the administrative support services related 20711
to each instructional services category, such as the cost of 20712
personnel that develop the curriculum for the instructional 20713
services category and the cost of personnel supervising or 20714
coordinating the delivery of the instructional services category. 20715

(4) Support or extracurricular services costs for each 20716
category of service directly provided to students and required by 20717
guidelines adopted pursuant to division (B)(1)(b) of this section. 20718
The guidelines shall require the cost units under division (C)(4) 20719
of this section to be designed so that each of them may be 20720
compiled and reported in terms of average expenditure per pupil 20721
receiving the service in the school district as a whole and 20722
average expenditure per pupil receiving the service in each 20723
building in the school district and in terms of a total cost for 20724
each category of service and, as a breakdown of the total cost, a 20725
cost for each of the following components: 20726

(a) The cost of each support or extracurricular services 20727
category required by guidelines adopted under division (B)(1)(b) 20728

of this section that is provided directly to students by a 20729
licensed employee, such as services provided by a guidance 20730
counselor or any services provided by a licensed employee under a 20731
supplemental contract; 20732

(b) The cost of each such services category provided directly 20733
to students by a nonlicensed employee, such as janitorial 20734
services, cafeteria services, or services of a sports trainer; 20735

(c) The cost of the administrative services related to each 20736
services category in division (C)(4)(a) or (b) of this section, 20737
such as the cost of any licensed or nonlicensed employees that 20738
develop, supervise, coordinate, or otherwise are involved in 20739
administering or aiding the delivery of each services category. 20740

(D)(1) The guidelines adopted under this section shall 20741
require school districts to collect information about individual 20742
students, staff members, or both in connection with any data 20743
required by division (B) or (C) of this section or other reporting 20744
requirements established in the Revised Code. The guidelines may 20745
also require school districts to report information about 20746
individual staff members in connection with any data required by 20747
division (B) or (C) of this section or other reporting 20748
requirements established in the Revised Code. The guidelines shall 20749
not authorize school districts to request social security numbers 20750
of individual students. The guidelines shall prohibit the 20751
reporting under this section of a student's name, address, and 20752
social security number to the state board of education or the 20753
department of education. The guidelines shall also prohibit the 20754
reporting under this section of any personally identifiable 20755
information about any student, except for the purpose of assigning 20756
the data verification code required by division (D)(2) of this 20757
section, to any other person unless such person is employed by the 20758
school district or the information technology center operated 20759
under section 3301.075 of the Revised Code and is authorized by 20760

the district or technology center to have access to such 20761
information or is employed by an entity with which the department 20762
contracts for the scoring or the development of state assessments. 20763
The guidelines may require school districts to provide the social 20764
security numbers of individual staff members and the county of 20765
residence for a student. Nothing in this section prohibits the 20766
state board of education or department of education from providing 20767
a student's county of residence to the department of taxation to 20768
facilitate the distribution of tax revenue. 20769

(2)(a) The guidelines shall provide for each school district 20770
or community school to assign a data verification code that is 20771
unique on a statewide basis over time to each student whose 20772
initial Ohio enrollment is in that district or school and to 20773
report all required individual student data for that student 20774
utilizing such code. The guidelines shall also provide for 20775
assigning data verification codes to all students enrolled in 20776
districts or community schools on the effective date of the 20777
guidelines established under this section. The assignment of data 20778
verification codes for other entities, as described in division 20779
(D)(2)(d) of this section, the use of those codes, and the 20780
reporting and use of associated individual student data shall be 20781
coordinated by the department in accordance with state and federal 20782
law. 20783

School districts shall report individual student data to the 20784
department through the information technology centers utilizing 20785
the code. The entities described in division (D)(2)(d) of this 20786
section shall report individual student data to the department in 20787
the manner prescribed by the department. 20788

(b)(i) Except as provided in sections 3301.941, 3310.11, 20789
3310.42, 3310.63, 3313.978, and 3317.20 of the Revised Code, and 20790
in division (D)(2)(b)(ii) of this section, at no time shall the 20791
state board or the department have access to information that 20792

would enable any data verification code to be matched to 20793
personally identifiable student data. 20794

(ii) For the purpose of making per-pupil payments to 20795
community schools under division (C) of section 3314.08 of the 20796
Revised Code, the department shall have access to information that 20797
would enable any data verification code to be matched to 20798
personally identifiable student data. 20799

(c) Each school district and community school shall ensure 20800
that the data verification code is included in the student's 20801
records reported to any subsequent school district, community 20802
school, or state institution of higher education, as defined in 20803
section 3345.011 of the Revised Code, in which the student 20804
enrolls. Any such subsequent district or school shall utilize the 20805
same identifier in its reporting of data under this section. 20806

(d) The director of any state agency that administers a 20807
publicly funded program providing services to children who are 20808
younger than compulsory school age, as defined in section 3321.01 20809
of the Revised Code, including the directors of health, job and 20810
family services, mental health and addiction services, and 20811
developmental disabilities, shall request and receive, pursuant to 20812
sections 3301.0723 and 5123.0423 of the Revised Code, a data 20813
verification code for a child who is receiving those services. 20814

(E) The guidelines adopted under this section may require 20815
school districts to collect and report data, information, or 20816
reports other than that described in divisions (A), (B), and (C) 20817
of this section for the purpose of complying with other reporting 20818
requirements established in the Revised Code. The other data, 20819
information, or reports may be maintained in the education 20820
management information system but are not required to be compiled 20821
as part of the profile formats required under division (G) of this 20822
section or the annual statewide report required under division (H) 20823
of this section. 20824

(F) Beginning with the school year that begins July 1, 1991, 20825
the board of education of each school district shall annually 20826
collect and report to the state board, in accordance with the 20827
guidelines established by the board, the data required pursuant to 20828
this section. A school district may collect and report these data 20829
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 20830

(G) The state board shall, in accordance with the procedures 20831
it adopts, annually compile the data reported by each school 20832
district pursuant to division (D) of this section. The state board 20833
shall design formats for profiling each school district as a whole 20834
and each school building within each district and shall compile 20835
the data in accordance with these formats. These profile formats 20836
shall: 20837

(1) Include all of the data gathered under this section in a 20838
manner that facilitates comparison among school districts and 20839
among school buildings within each school district; 20840

(2) Present the data on academic achievement levels as 20841
assessed by the testing of student achievement maintained pursuant 20842
to division (B)(1)(d) of this section. 20843

(H)(1) The state board shall, in accordance with the 20844
procedures it adopts, annually prepare a statewide report for all 20845
school districts and the general public that includes the profile 20846
of each of the school districts developed pursuant to division (G) 20847
of this section. Copies of the report shall be sent to each school 20848
district. 20849

(2) The state board shall, in accordance with the procedures 20850
it adopts, annually prepare an individual report for each school 20851
district and the general public that includes the profiles of each 20852
of the school buildings in that school district developed pursuant 20853
to division (G) of this section. Copies of the report shall be 20854
sent to the superintendent of the district and to each member of 20855

the district board of education. 20856

(3) Copies of the reports received from the state board under 20857
divisions (H)(1) and (2) of this section shall be made available 20858
to the general public at each school district's offices. Each 20859
district board of education shall make copies of each report 20860
available to any person upon request and payment of a reasonable 20861
fee for the cost of reproducing the report. The board shall 20862
annually publish in a newspaper of general circulation in the 20863
school district, at least twice during the two weeks prior to the 20864
week in which the reports will first be available, a notice 20865
containing the address where the reports are available and the 20866
date on which the reports will be available. 20867

(I) Any data that is collected or maintained pursuant to this 20868
section and that identifies an individual pupil is not a public 20869
record for the purposes of section 149.43 of the Revised Code. 20870

(J) As used in this section: 20871

(1) "School district" means any city, local, exempted 20872
village, or joint vocational school district and, in accordance 20873
with section 3314.17 of the Revised Code, any community school. As 20874
used in division (L) of this section, "school district" also 20875
includes any educational service center or other educational 20876
entity required to submit data using the system established under 20877
this section. 20878

(2) "Cost" means any expenditure for operating expenses made 20879
by a school district excluding any expenditures for debt 20880
retirement except for payments made to any commercial lending 20881
institution for any loan approved pursuant to section 3313.483 of 20882
the Revised Code. 20883

(K) Any person who removes data from the information system 20884
established under this section for the purpose of releasing it to 20885
any person not entitled under law to have access to such 20886

information is subject to section 2913.42 of the Revised Code 20887
prohibiting tampering with data. 20888

(L)(1) In accordance with division (L)(2) of this section and 20889
the rules adopted under division (L)(10) of this section, the 20890
department of education may sanction any school district that 20891
reports incomplete or inaccurate data, reports data that does not 20892
conform to data requirements and descriptions published by the 20893
department, fails to report data in a timely manner, or otherwise 20894
does not make a good faith effort to report data as required by 20895
this section. 20896

(2) If the department decides to sanction a school district 20897
under this division, the department shall take the following 20898
sequential actions: 20899

(a) Notify the district in writing that the department has 20900
determined that data has not been reported as required under this 20901
section and require the district to review its data submission and 20902
submit corrected data by a deadline established by the department. 20903
The department also may require the district to develop a 20904
corrective action plan, which shall include provisions for the 20905
district to provide mandatory staff training on data reporting 20906
procedures. 20907

(b) Withhold up to ten per cent of the total amount of state 20908
funds due to the district for the current fiscal year and, if not 20909
previously required under division (L)(2)(a) of this section, 20910
require the district to develop a corrective action plan in 20911
accordance with that division; 20912

(c) Withhold an additional amount of up to twenty per cent of 20913
the total amount of state funds due to the district for the 20914
current fiscal year; 20915

(d) Direct department staff or an outside entity to 20916
investigate the district's data reporting practices and make 20917

recommendations for subsequent actions. The recommendations may 20918
include one or more of the following actions: 20919

- (i) Arrange for an audit of the district's data reporting 20920
practices by department staff or an outside entity; 20921
- (ii) Conduct a site visit and evaluation of the district; 20922
- (iii) Withhold an additional amount of up to thirty per cent 20923
of the total amount of state funds due to the district for the 20924
current fiscal year; 20925
- (iv) Continue monitoring the district's data reporting; 20926
- (v) Assign department staff to supervise the district's data 20927
management system; 20928
- (vi) Conduct an investigation to determine whether to suspend 20929
or revoke the license of any district employee in accordance with 20930
division (N) of this section; 20931
- (vii) If the district is issued a report card under section 20932
3302.03 of the Revised Code, indicate on the report card that the 20933
district has been sanctioned for failing to report data as 20934
required by this section; 20935
- (viii) If the district is issued a report card under section 20936
3302.03 of the Revised Code and incomplete or inaccurate data 20937
submitted by the district likely caused the district to receive a 20938
higher performance rating than it deserved under that section, 20939
issue a revised report card for the district; 20940
- (ix) Any other action designed to correct the district's data 20941
reporting problems. 20942

(3) Any time the department takes an action against a school 20943
district under division (L)(2) of this section, the department 20944
shall make a report of the circumstances that prompted the action. 20945
The department shall send a copy of the report to the district 20946
superintendent or chief administrator and maintain a copy of the 20947

report in its files. 20948

(4) If any action taken under division (L)(2) of this section 20949
resolves a school district's data reporting problems to the 20950
department's satisfaction, the department shall not take any 20951
further actions described by that division. If the department 20952
withheld funds from the district under that division, the 20953
department may release those funds to the district, except that if 20954
the department withheld funding under division (L)(2)(c) of this 20955
section, the department shall not release the funds withheld under 20956
division (L)(2)(b) of this section and, if the department withheld 20957
funding under division (L)(2)(d) of this section, the department 20958
shall not release the funds withheld under division (L)(2)(b) or 20959
(c) of this section. 20960

(5) Notwithstanding anything in this section to the contrary, 20961
the department may use its own staff or an outside entity to 20962
conduct an audit of a school district's data reporting practices 20963
any time the department has reason to believe the district has not 20964
made a good faith effort to report data as required by this 20965
section. If any audit conducted by an outside entity under 20966
division (L)(2)(d)(i) or (5) of this section confirms that a 20967
district has not made a good faith effort to report data as 20968
required by this section, the district shall reimburse the 20969
department for the full cost of the audit. The department may 20970
withhold state funds due to the district for this purpose. 20971

(6) Prior to issuing a revised report card for a school 20972
district under division (L)(2)(d)(viii) of this section, the 20973
department may hold a hearing to provide the district with an 20974
opportunity to demonstrate that it made a good faith effort to 20975
report data as required by this section. The hearing shall be 20976
conducted by a referee appointed by the department. Based on the 20977
information provided in the hearing, the referee shall recommend 20978
whether the department should issue a revised report card for the 20979

district. If the referee affirms the department's contention that 20980
the district did not make a good faith effort to report data as 20981
required by this section, the district shall bear the full cost of 20982
conducting the hearing and of issuing any revised report card. 20983

(7) If the department determines that any inaccurate data 20984
reported under this section caused a school district to receive 20985
excess state funds in any fiscal year, the district shall 20986
reimburse the department an amount equal to the excess funds, in 20987
accordance with a payment schedule determined by the department. 20988
The department may withhold state funds due to the district for 20989
this purpose. 20990

(8) Any school district that has funds withheld under 20991
division (L)(2) of this section may appeal the withholding in 20992
accordance with Chapter 119. of the Revised Code. 20993

(9) In all cases of a disagreement between the department and 20994
a school district regarding the appropriateness of an action taken 20995
under division (L)(2) of this section, the burden of proof shall 20996
be on the district to demonstrate that it made a good faith effort 20997
to report data as required by this section. 20998

(10) The state board of education shall adopt rules under 20999
Chapter 119. of the Revised Code to implement division (L) of this 21000
section. 21001

(M) No information technology center or school district shall 21002
acquire, change, or update its student administration software 21003
package to manage and report data required to be reported to the 21004
department unless it converts to a student software package that 21005
is certified by the department. 21006

(N) The state board of education, in accordance with sections 21007
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 21008
license as defined under division (A) of section 3319.31 of the 21009
Revised Code that has been issued to any school district employee 21010

found to have willfully reported erroneous, inaccurate, or 21011
incomplete data to the education management information system. 21012

(O) No person shall release or maintain any information about 21013
any student in violation of this section. Whoever violates this 21014
division is guilty of a misdemeanor of the fourth degree. 21015

(P) The department shall disaggregate the data collected 21016
under division (B)(1)(n) of this section according to the race and 21017
socioeconomic status of the students assessed. 21018

(Q) If the department cannot compile any of the information 21019
required by division (H) of section 3302.03 of the Revised Code 21020
based upon the data collected under this section, the department 21021
shall develop a plan and a reasonable timeline for the collection 21022
of any data necessary to comply with that division. 21023

Sec. 3301.0715. (A) Except as required under division (B)(1) 21024
of section 3313.608 or as specified in division (D)(3) of section 21025
3301.079 of the Revised Code, the board of education of each city, 21026
local, and exempted village school district shall administer each 21027
applicable diagnostic assessment developed and provided to the 21028
district in accordance with section 3301.079 of the Revised Code 21029
to the following: 21030

(1) Any student who transfers into the district or to a 21031
different school within the district if each applicable diagnostic 21032
assessment was not administered by the district or school the 21033
student previously attended in the current school year, within 21034
thirty days after the date of transfer. If the district or school 21035
into which the student transfers cannot determine whether the 21036
student has taken any applicable diagnostic assessment in the 21037
current school year, the district or school may administer the 21038
diagnostic assessment to the student. However, if a student 21039
transfers into the district prior to the administration of the 21040
diagnostic assessments to all students under division (B) of this 21041

section, the district may administer the diagnostic assessments to 21042
that student on the date or dates determined under that division. 21043

(2) Each kindergarten student, not earlier than the first day 21044
of July of the school year and not later than the ~~first day of~~ 21045
~~November twentieth day of instruction of that school year.~~ 21046
~~However, a board of education may administer the selected response~~ 21047
~~and performance task items portion of the diagnostic assessment up~~ 21048
~~to two weeks prior to the first day of the school year.~~ 21049

For the purpose of division (A)(2) of this section, the 21050
district shall administer the kindergarten readiness assessment 21051
provided by the department of education. In no case shall the 21052
results of the readiness assessment be used to prohibit a student 21053
from enrolling in kindergarten. 21054

(3) Each student enrolled in first, second, or third grade. 21055

Division (A) of this section does not apply to students with 21056
significant cognitive disabilities, as defined by the department 21057
of education. 21058

(B) Each district board shall administer each diagnostic 21059
assessment when the board deems appropriate, provided the 21060
administration complies with section 3313.608 of the Revised Code. 21061
However, the board shall administer any diagnostic assessment at 21062
least once annually to all students in the appropriate grade 21063
level. A district board may administer any diagnostic assessment 21064
in the fall and spring of a school year to measure the amount of 21065
academic growth attributable to the instruction received by 21066
students during that school year. 21067

(C) Any district that received a grade of "A" or "B" for the 21068
performance index score under division (A)(1)(b), (B)(1)(b), or 21069
(C)(1)(b) of section 3302.03 of the Revised Code or for the 21070
value-added progress dimension under division (A)(1)(e), 21071
(B)(1)(e), or (C)(1)(e) of section 3302.03 of the Revised Code for 21072

the immediately preceding school year may use different diagnostic 21073
assessments from those adopted under division (D) of section 21074
3301.079 of the Revised Code in order to satisfy the requirements 21075
of division (A)(3) of this section. 21076

(D) Each district board shall utilize and score any 21077
diagnostic assessment administered under division (A) of this 21078
section in accordance with rules established by the department. 21079
After the administration of any diagnostic assessment, each 21080
district shall provide a student's completed diagnostic 21081
assessment, the results of such assessment, and any other 21082
accompanying documents used during the administration of the 21083
assessment to the parent of that student, and shall include all 21084
such documents and information in any plan developed for the 21085
student under division (C) of section 3313.608 of the Revised 21086
Code. Each district shall submit to the department, in the manner 21087
the department prescribes, the results of the diagnostic 21088
assessments administered under this section, regardless of the 21089
type of assessment used under section 3313.608 of the Revised 21090
Code. The department may issue reports with respect to the data 21091
collected. The department may report school and district level 21092
kindergarten diagnostic assessment data and use diagnostic 21093
assessment data to calculate the measure prescribed by divisions 21094
(B)(1)(g) and (C)(1)(g) of section 3302.03 of the Revised Code. 21095

(E) Each district board shall provide intervention services 21096
to students whose diagnostic assessments show that they are 21097
failing to make satisfactory progress toward attaining the 21098
academic standards for their grade level. 21099

(F) Beginning in the 2018-2019 school year, any chartered 21100
nonpublic school may elect to administer the kindergarten 21101
readiness assessment to all kindergarten students enrolled in the 21102
school. If the school so elects, the chief administrator of the 21103
school shall notify the superintendent of public instruction not 21104

later than the thirty-first day of March prior to any school year 21105
in which the school will administer the assessment. The department 21106
shall furnish the assessment to the school at no cost to the 21107
school. In administering the assessment, the school shall do all 21108
of the following: 21109

(1) Enter into a written agreement with the department 21110
specifying that the school will share each participating student's 21111
assessment data with the department and, that for the purpose of 21112
reporting the data to the department, each participating student 21113
will be assigned a data verification code as described in division 21114
(D)(2) of section 3301.0714 of the Revised Code; 21115

(2) Require the assessment to be administered by a teacher 21116
certified under section 3301.071 of the Revised Code who either 21117
has completed training on administering the kindergarten readiness 21118
assessment provided by the department or has been trained by 21119
another person who has completed such training; 21120

(3) Administer the assessment in the same manner as school 21121
districts are required to do under this section and the rules 21122
established under division (D) of this section. 21123

(G) Beginning in the 2019-2020 school year, a school district 21124
in which less than eighty per cent of its students score at the 21125
proficient level or higher on the third-grade English language 21126
arts assessment prescribed under section 3301.0710 of the Revised 21127
Code shall establish a reading improvement plan supported by 21128
reading specialists. Prior to implementation, the plan shall be 21129
approved by the school district board of education. 21130

Sec. 3301.23. (A) Not later than thirty days after the 21131
effective date of this section, the department of education, in 21132
consultation with the chancellor of higher education, shall 21133
establish a committee to develop a state plan for computer science 21134
education for the purposes of primary and secondary education. 21135

<u>(B) When developing the plan, the committee established under</u>	21136
<u>this section shall consider the following:</u>	21137
<u>(1) Best practices and challenges associated with the</u>	21138
<u>implementation of primary and secondary computer science</u>	21139
<u>curriculum in this state;</u>	21140
<u>(2) Demographic data for students who receive instruction in</u>	21141
<u>computer science;</u>	21142
<u>(3) Benchmarks to create a sustainable supply of teachers</u>	21143
<u>certified to provide instruction in computer science;</u>	21144
<u>(4) Best practices to form public and private partnerships</u>	21145
<u>for funding, mentoring, and internships for teachers providing</u>	21146
<u>instruction in computer science;</u>	21147
<u>(5) Requiring all students to complete a computer science</u>	21148
<u>course prior to high school graduation;</u>	21149
<u>(6) Establishing a work-based learning pilot program that</u>	21150
<u>includes high schools, universities, and local industry and</u>	21151
<u>permits the department and the chancellor to develop pathways to</u>	21152
<u>align computer science education in the state with the state's</u>	21153
<u>workforce needs;</u>	21154
<u>(7) Any other topic determined appropriate by the committee.</u>	21155
<u>(C) The committee established under this section shall</u>	21156
<u>consist of all of the following:</u>	21157
<u>(1) The superintendent of public instruction, or designee;</u>	21158
<u>(2) The chancellor, or designee;</u>	21159
<u>(3) Representatives of computer science education</u>	21160
<u>stakeholders appointed by the state superintendent, in</u>	21161
<u>consultation with the chancellor. Computer science education</u>	21162
<u>stakeholders represented on the committee shall include all of the</u>	21163
<u>following:</u>	21164

<u>(a) Career-technical education;</u>	21165
<u>(b) Teachers;</u>	21166
<u>(c) Institutions of higher education;</u>	21167
<u>(d) Businesses;</u>	21168
<u>(e) State and national computer science organizations.</u>	21169
<u>(D) Within the plan, the committee established under this section shall include all of the following:</u>	21170 21171
<u>(1) An examination of the challenges that prevent school districts from offering computer science courses;</u>	21172 21173
<u>(2) A requirement that the department of education collect any data regarding computer science courses offered by school districts and school buildings operated by school districts, including the names of the courses and whether the courses were developed using the standards and model curriculum adopted under division (A)(4) of section 3301.079 of the Revised Code, and post the collected data on its web site.</u>	21174 21175 21176 21177 21178 21179 21180
<u>(3) Any findings the committee determines appropriate based on its consideration of the topics described in division (B) of this section.</u>	21181 21182 21183
<u>(E) The committee shall complete the plan not later than one year after the effective date of this section and the department shall post the completed plan in a prominent location on its web site.</u>	21184 21185 21186 21187
<u>Sec. 3301.231. (A) The department of education, in consultation with computer science stakeholders as determined appropriate by the department, shall establish a program to provide high school students in the state with access to online computer science courses for the purposes of section 3301.232 of the Revised Code.</u>	21188 21189 21190 21191 21192 21193

(B) Under the program, the department shall develop a process to solicit and review proposals from educational providers to offer online computer science courses under section 3301.232 of the Revised Code. The department shall approve a proposal only if it meets both of the following conditions: 21194
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(1) Each course included in the proposal is high-quality, rigorous, and aligned with the standards and model curriculum adopted under division (A)(4) of section 3301.079 of the Revised Code. 21199
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(2) A student may earn high school credits that apply to the curriculum requirements prescribed under section 3313.603 of the Revised Code in each course included in the proposal. 21203
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(C) The department shall determine a method to calculate and make payments to educational providers who enroll students in online computer science courses approved under division (B) of this section and offered to the students under section 3301.232 of the Revised Code. The method shall be deducted from the school foundation payments made to the participant's school district or, if the participant is enrolled in a community school, a STEM school, or a college-preparatory boarding school, from the payments made to that school under section 3314.08, 3326.33, or 3328.34 of the Revised Code, similar to how the department calculates and makes payments under section 3365.07 of the Revised Code for the college credit plus program, as determined by the department. 21206
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(D) The department shall adopt rules to implement this section and section 3301.232 of the Revised Code. 21219
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(E) This section and section 3301.232 of the Revised Code do not affect the college credit plus program established under Chapter 3365. of the Revised Code. 21221
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<u>Sec. 3301.232. (A) As used in this section:</u>	21224
<u>(1) "Approved course" means an online computer science course</u>	21225
<u>included in a proposal approved by the department of education</u>	21226
<u>under division (B) of section 3301.231 of the Revised Code.</u>	21227
<u>(2) "Integrated course" means a general education course that</u>	21228
<u>incorporates computer science principles.</u>	21229
<u>(B) Except as provided for in division (C) of this section,</u>	21230
<u>each student enrolled in a city, local, exempted village, or joint</u>	21231
<u>vocational school district shall have the option to enroll in a</u>	21232
<u>computer science course or integrated course offered by the</u>	21233
<u>student's district or an approved course offered by an educational</u>	21234
<u>provider, as follows:</u>	21235
<u>(1) For the 2022-2023 school year and each school year</u>	21236
<u>thereafter, a student enrolled in grade eleven or twelve shall</u>	21237
<u>have the option to enroll in a computer science course offered by</u>	21238
<u>the school district or an approved course offered by an</u>	21239
<u>educational provider;</u>	21240
<u>(2) For the 2023-2024 school year and each school year</u>	21241
<u>thereafter, a student enrolled in grade nine or ten shall have the</u>	21242
<u>option to enroll in an age-appropriate, standalone computer</u>	21243
<u>science course offered by the school district or an approved</u>	21244
<u>course offered by an educational provider;</u>	21245
<u>(3) For the 2024-2025 school year and each school year</u>	21246
<u>thereafter, a student enrolled in any of grades kindergarten</u>	21247
<u>through eight shall have the option to enroll in an</u>	21248
<u>age-appropriate integrated course offered by the school district.</u>	21249
<u>(C) A school district shall offer computer science or</u>	21250
<u>integrated courses to students enrolled in the district in</u>	21251
<u>accordance with division (B) of this section, except that a board</u>	21252
<u>of education may submit to the superintendent of public</u>	21253

instruction a request for a waiver from that requirement with 21254
respect to students enrolled in a particular school building 21255
operated by the district board. The state superintendent shall 21256
consider each request for a waiver and either approve or 21257
disapprove the waiver based on standards adopted by the state 21258
board of education. For each approved waiver, the state 21259
superintendent shall specify the period of time for which the 21260
waiver shall be in effect, except that period shall not exceed 21261
five years. A district board may apply to renew a waiver. 21262

(D) Each school district shall annually submit to the 21263
department, in a form and manner prescribed by the department, 21264
data reporting the number of students enrolled in computer science 21265
courses and the type of such courses. The type of computer science 21266
courses shall be disaggregated by course code and whether the 21267
courses are offered by the district or an educational provider. 21268

(E) Nothing in this section shall be construed as prohibiting 21269
a school district from offering computer science or integrated 21270
courses to students enrolled in any of grades kindergarten through 21271
twelve. 21272

Sec. 3301.233. (A) As used in this section, "public school" 21273
means any of the following: 21274

(1) A city, local, exempted village, or joint vocational 21275
school district; 21276

(2) A community school established under Chapter 3314. of the 21277
Revised Code; 21278

(3) A STEM school established under Chapter 3326. of the 21279
Revised Code. 21280

(B) The department of education, in consultation with the 21281
chancellor of higher education, shall issue an annual report on 21282
computer science education in the state. 21283

<u>(C) The report shall include information regarding all of the</u>	21284
<u>following, as determined by the superintendent of public</u>	21285
<u>instruction and the chancellor:</u>	21286
<u>(1) Public schools that offer computer science courses;</u>	21287
<u>(2) The types of computer science courses offered by public</u>	21288
<u>schools;</u>	21289
<u>(3) How many teachers employed by public schools hold one of</u>	21290
<u>the following:</u>	21291
<u>(a) A valid educators license in computer science in</u>	21292
<u>accordance with section 3319.236 of the Revised Code;</u>	21293
<u>(b) A valid license endorsement in computer technology in</u>	21294
<u>accordance with section 3319.236 of the Revised Code;</u>	21295
<u>(c) A supplemental teaching license for teaching computer</u>	21296
<u>science in accordance with section 3319.236 of the Revised Code;</u>	21297
<u>(d) Any other license or endorsement determined appropriate</u>	21298
<u>by the department, in consultation with the chancellor.</u>	21299
<u>(4) The type of computer science courses, and the grade</u>	21300
<u>levels for those courses, taught by teachers who hold a license or</u>	21301
<u>endorsement described in division (C)(3) of this section;</u>	21302
<u>(5) The number of undergraduate students who study computer</u>	21303
<u>science in institutions of higher education located in the state,</u>	21304
<u>disaggregated by region of the state, student demographics, and</u>	21305
<u>student participation in a pathway partnership in the previous</u>	21306
<u>five-year period, if the data is available.</u>	21307
<u>(D) Information included in the report as prescribed under</u>	21308
<u>divisions (C)(1) to (4) of this section shall be disaggregated by</u>	21309
<u>all of the following:</u>	21310
<u>(1) For school districts, whether each district is urban,</u>	21311
<u>rural, or suburban, and if any other classification determined</u>	21312
<u>appropriate by the department, in consultation with the</u>	21313

<u>chancellor, applies to the district;</u>	21314
<u>(2) Region of the state;</u>	21315
<u>(3) Demographic data of students enrolled in computer science courses, including race and ethnic group, gender, and whether the students are economically disadvantaged. Such demographic data shall be reported by public school and computer science course code.</u>	21316 21317 21318 21319 21320
<u>Sec. 3302.043. (A) As used in this section, "eligible district" means a city school district to which both of the following apply:</u>	21321 21322 21323
<u>(1) The district has persistently low performance ratings, as determined by the department of education, under section 3302.03 of the Revised Code.</u>	21324 21325 21326
<u>(2) The district is not subject to an academic distress commission under section 3302.10 of the Revised Code.</u>	21327 21328
<u>(B) The department shall establish the career promise academy summer demonstration pilot program. Under the pilot program, which shall operate in the 2021-2022 and 2022-2023 school years, the department shall solicit proposals from eligible districts to establish and operate a career promise academy during the summer to provide students entering ninth grade with intensive literacy instruction, internship or mentoring experiences, and instruction regarding academic preparedness skills, life skills, and financial literacy. The department shall approve one proposal based on the criteria prescribed under division (C) of this section. The department shall award a grant to the eligible district with an approved proposal.</u>	21329 21330 21331 21332 21333 21334 21335 21336 21337 21338 21339 21340
<u>(C) The department shall adopt criteria under which to approve a proposal for a career promise academy, which shall include all of the following:</u>	21341 21342 21343

<u>(1) A requirement that the career promise academy operate as follows:</u>	21344
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<u>(a) For four consecutive weeks in the summer of 2021;</u>	21346
<u>(b) For five consecutive weeks in the summer of 2022.</u>	21347
<u>(2) A requirement that not more than seventy-five students participate in the career promise academy in one summer;</u>	21348
	21349
<u>(3) A requirement for the eligible district to submit to the department, in a form and manner prescribed by the department, any data that the department and district jointly determine is necessary to evaluate the pilot program;</u>	21350
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<u>(4) A method to determine student eligibility to participate in the career promise academy. The method shall identify students entering ninth grade who are at risk of not qualifying for a high school diploma based on the student's scores on the English language arts and mathematics assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code and other academic or social-emotional factors.</u>	21354
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<u>(5) A description of the instruction and internship or mentoring experiences that participating students will receive;</u>	21361
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<u>(6) An agreement with the district's business advisory council established under section 3313.82 of the Revised Code and other organizations or businesses to identify or provide internship and mentoring experiences to participating students;</u>	21363
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<u>(7) An agreement with at least one institution of higher education to identify and engage with prospective teachers to serve as mentors and academic coaches to participating students.</u>	21367
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<u>(D) The department shall adopt guidelines and procedures to operate the pilot program established under this section.</u>	21370
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Sec. 3302.20. (A) The department of education shall develop	21372

standards for determining, from the existing data reported in 21373
accordance with sections 3301.0714 and 3314.17 of the Revised 21374
Code, the amount of annual operating expenditures for classroom 21375
instructional purposes and for nonclassroom purposes for each 21376
city, exempted village, local, and joint vocational school 21377
district, each community school established under Chapter 3314. 21378
that is not an internet- or computer-based community school, each 21379
internet- or computer-based community school, and each STEM school 21380
established under Chapter 3326. of the Revised Code. The 21381
department shall present those standards to the state board of 21382
education for consideration. In developing the standards, the 21383
department shall adapt existing standards used by professional 21384
organizations, research organizations, and other state 21385
governments. The department also shall align the expenditure 21386
categories required for reporting under the standards with the 21387
categories that are required for reporting to the United States 21388
department of education under federal law. 21389

The state board shall consider the proposed standards and 21390
adopt a final set of standards not later than December 31, 2012. 21391
School districts, community schools, and STEM schools shall begin 21392
reporting data in accordance with the standards on June 30, 2013. 21393

(B)(1) The department shall categorize all city, exempted 21394
village, and local school districts into not less than three nor 21395
more than five groups based primarily on average daily student 21396
enrollment as reported on the most recent report card issued for 21397
each district under section 3302.03 of the Revised Code. 21398

(2) The department shall categorize all joint vocational 21399
school districts into not less than three nor more than five 21400
groups based primarily on ~~formula~~ enrolled ADM as that term is 21401
defined in section 3317.02 of the Revised Code rounded to the 21402
nearest whole number. 21403

(3) The department shall categorize all community schools 21404
that are not internet- or computer-based community schools into 21405
not less than three nor more than five groups based primarily on 21406
average daily student enrollment as reported on the most recent 21407
report card issued for each community school under sections 21408
3302.03 and 3314.012 of the Revised Code or, in the case of a 21409
school to which section 3314.017 of the Revised Code applies, on 21410
the total number of students reported under divisions (B)(2)(a) 21411
and (b) of section 3314.08 of the Revised Code. 21412

(4) The department shall categorize all internet- or 21413
computer-based community schools into a single category. 21414

(5) The department shall categorize all STEM schools into a 21415
single category. 21416

(C) Using the standards adopted under division (A) of this 21417
section and the data reported under sections 3301.0714 and 3314.17 21418
of the Revised Code, the department shall compute annually for 21419
each fiscal year, the following: 21420

(1) The percentage of each district's, community school's, or 21421
STEM school's total operating budget spent for classroom 21422
instructional purposes; 21423

(2) The statewide average percentage for all districts, 21424
community schools, and STEM schools combined spent for classroom 21425
instructional purposes; 21426

(3) The average percentage for each of the categories of 21427
districts and schools established under division (B) of this 21428
section spent for classroom instructional purposes; 21429

(4) The ranking of each district, community school, or STEM 21430
school within its respective category established under division 21431
(B) of this section according to the following: 21432

(a) From highest to lowest percentage spent for classroom 21433

instructional purposes;	21434
(b) From lowest to highest percentage spent for	21435
noninstructional purposes.	21436
(5) The total operating expenditures per pupil for each	21437
district, community school, and STEM school;	21438
(6) The total operating expenditure per equivalent pupils for	21439
each district, community school, and STEM school.	21440
(D) In its display of rankings within each category under	21441
division (C)(4) of this section, the department shall make the	21442
following notations:	21443
(1) Within each category of city, exempted village, and local	21444
school districts, the department shall denote each district that	21445
is:	21446
(a) Among the twenty per cent of all city, exempted village,	21447
and local school districts statewide with the lowest total	21448
operating expenditure per equivalent pupils;	21449
(b) Among the twenty per cent of all city, exempted village,	21450
and local school districts statewide with the highest performance	21451
index scores.	21452
(2) Within each category of joint vocational school	21453
districts, the department shall denote each district that is:	21454
(a) Among the twenty per cent of all joint vocational school	21455
districts statewide with the lowest total operating expenditure	21456
per equivalent pupils;	21457
(b) Among the twenty per cent of all joint vocational school	21458
districts statewide with the highest report card scores under	21459
section 3302.033 of the Revised Code.	21460
(3) Within each category of community schools that are not	21461
internet- or computer-based community schools, the department	21462
shall denote each school that is:	21463

(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;	21464 21465 21466
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.	21467 21468 21469 21470
(4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:	21471 21472 21473
(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;	21474 21475 21476
(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies.	21477 21478 21479 21480
(5) Within the category of STEM schools, the department shall denote each school that is:	21481 21482
(a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;	21483 21484
(b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.	21485 21486
For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs.	21487 21488 21489 21490 21491
(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of	21492 21493

this section. The department also shall include on each 21494
district's, community school's, and STEM school's annual report 21495
card issued under section 3302.03 or 3314.017 of the Revised Code 21496
the respective information computed for the district or school 21497
under divisions (C)(1) and (4) of this section, the statewide 21498
information computed under division (C)(2) of this section, and 21499
the information computed for the district's or school's category 21500
under division (C)(3) of this section. 21501

(F) As used in this section: 21502

(1) "Internet- or computer-based community school" has the 21503
same meaning as in section 3314.02 of the Revised Code. 21504

(2) A school district's, community school's, or STEM school's 21505
performance index score rank is its performance index score rank 21506
as computed under section 3302.21 of the Revised Code. 21507

(3) "Expenditure per equivalent pupils" has the same meaning 21508
as in section 3302.26 of the Revised Code. 21509

Sec. 3304.24. Each October during national disability 21510
employment awareness month, the governor shall present an award to 21511
employers who meet the criteria for having a workplace inclusive 21512
of individuals with disabilities. The opportunities for Ohioans 21513
with disabilities agency shall determine the inclusive workplace 21514
criteria to be used to recommend employers for the award. 21515

Sec. 3310.08. (A) As used in this section, "tuition discount" 21516
means any deduction from the base tuition amount per student 21517
charged by the school, to which the student's family is entitled 21518
due to one or more of the following conditions: 21519

(1) The student's family has multiple children enrolled in 21520
the same school. 21521

(2) The student's family is a member of or affiliated with a 21522

religious or secular organization that provides oversight of the 21523
school or from which the school has agreed to enroll students. 21524

(3) The student's parent is an employee of the school. 21525

(4) Some other qualification not based on the income of the 21526
student's family or the student's athletic or academic ability and 21527
for which all students in the school may qualify. 21528

(B) The amount paid for an eligible student under the 21529
educational choice scholarship pilot program and the expansion of 21530
the program under section 3310.032 of the Revised Code shall be 21531
the lesser of the following: 21532

(1) The base tuition of the chartered nonpublic school in 21533
which the student is enrolled minus the total amount of any 21534
applicable tuition discounts for which the student qualifies; 21535

(2) The maximum amount prescribed in section 3310.09 of the 21536
Revised Code. 21537

(C)(1) The department of education shall ~~pay~~ compute and 21538
distribute state core foundation funding to the parent of each 21539
eligible student for whom a scholarship is awarded under the 21540
program, or to the student if at least eighteen years of age, 21541
periodic partial payments of the scholarship. 21542

(2) The department shall proportionately reduce or terminate 21543
the payments for any student who withdraws from a chartered 21544
nonpublic school prior to the end of the school year. 21545

~~(D)(1) The department shall deduct from the payments made to 21546
each school district under Chapter 3317., and if necessary, 21547
sections 321.24 and 323.156 of the Revised Code, the amount paid 21548
under division (C) of this section for each eligible student who 21549
qualifies for a scholarship under section 3310.03 of the Revised 21550
Code and who is entitled under section 3313.64 or 3313.65 of the 21551
Revised Code to attend school in the district. In the case of a 21552~~

~~student entitled to attend school in a school district under 21553
division (B)(2)(a) of section 3313.64 or division (C) of section 21554
3313.65 of the Revised Code, the department shall deduct the 21555
payments from the school district in whose formula ADM the student 21556
is included, as that term is defined in section 3317.02 of the 21557
Revised Code. 21558~~

~~(2) If the department reduces or terminates payments to a 21559
parent or a student, as prescribed in division (C)(2) of this 21560
section, and the student enrolls in the schools of the student's 21561
resident district or in a community school, established under 21562
Chapter 3314. of the Revised Code, before the end of the school 21563
year, the department shall proportionally restore to the resident 21564
district the amount deducted for that student under division 21565
(D)(1) of this section. 21566~~

Sec. 3310.41. (A) As used in this section: 21567

(1) "Alternative public provider" means either of the 21568
following providers that agrees to enroll a child in the 21569
provider's special education program to implement the child's 21570
individualized education program and to which the child's parent 21571
owes fees for the services provided to the child: 21572

(a) A school district that is not the school district in 21573
which the child is entitled to attend school; 21574

(b) A public entity other than a school district. 21575

(2) "Entitled to attend school" means entitled to attend 21576
school in a school district under section 3313.64 or 3313.65 of 21577
the Revised Code. 21578

(3) "Formula ADM" ~~and "category six special education ADM"~~ 21579
~~have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the 21580
Revised Code. 21581

(4) "Preschool child with a disability" and "individualized 21582

education program" have the same meanings as in section 3323.01 of the Revised Code. 21583
21584

(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated. "Parent" also includes the custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency. 21585
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~~(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.~~ 21592
21593
21594

~~(7) "Qualified special education child" is a child for whom all of the following conditions apply:~~ 21595
21596

(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an autistic child for purposes of this section. 21597
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21601

(b) The school district in which the child is entitled to attend school has developed an individualized education program under Chapter 3323. of the Revised Code for the child. 21602
21603
21604

(c) The child either: 21605

(i) Was enrolled in the school district in which the child is entitled to attend school in any grade from preschool through twelve in the school year prior to the year in which a scholarship under this section is first sought for the child; or 21606
21607
21608
21609

(ii) Is eligible to enter school in any grade preschool through twelve in the school district in which the child is entitled to attend school in the school year in which a 21610
21611
21612

scholarship under this section is first sought for the child. 21613

~~(8)~~(7) "Registered private provider" means a nonpublic school 21614
or other nonpublic entity that has been approved by the department 21615
of education to participate in the program established under this 21616
section. 21617

~~(9)~~(8) "Special education program" means a school or facility 21618
that provides special education and related services to children 21619
with disabilities. 21620

(B) There is hereby established the autism scholarship 21621
program. Under the program, the department of education shall pay 21622
a scholarship to the parent of each qualified special education 21623
child upon application of that parent pursuant to procedures and 21624
deadlines established by rule of the state board of education. 21625
Each scholarship shall be used only to pay tuition for the child 21626
on whose behalf the scholarship is awarded to attend a special 21627
education program that implements the child's individualized 21628
education program and that is operated by an alternative public 21629
provider or by a registered private provider, and to pay for other 21630
services agreed to by the provider and the parent of a qualified 21631
special education child that are not included in the 21632
individualized education program but are associated with educating 21633
the child. Upon agreement with the parent of a qualified special 21634
education child, the alternative public provider or the registered 21635
private provider may modify the services provided to the child. 21636
Each scholarship shall be in an amount not to exceed the lesser of 21637
the tuition charged for the child by the special education program 21638
or twenty-seven thousand dollars. The purpose of the scholarship 21639
is to permit the parent of a qualified special education child the 21640
choice to send the child to a special education program, instead 21641
of the one operated by or for the school district in which the 21642
child is entitled to attend school, to receive the services 21643
prescribed in the child's individualized education program once 21644

the individualized education program is finalized and any other 21645
services agreed to by the provider and the parent of a qualified 21646
special education child. The services provided under the 21647
scholarship shall include an educational component or services 21648
designed to assist the child to benefit from the child's 21649
education. 21650

A scholarship under this section shall not be awarded to the 21651
parent of a child while the child's individualized education 21652
program is being developed by the school district in which the 21653
child is entitled to attend school, or while any administrative or 21654
judicial mediation or proceedings with respect to the content of 21655
the child's individualized education program are pending. A 21656
scholarship under this section shall not be used for a child to 21657
attend a public special education program that operates under a 21658
contract, compact, or other bilateral agreement between the school 21659
district in which the child is entitled to attend school and 21660
another school district or other public provider, or for a child 21661
to attend a community school established under Chapter 3314. of 21662
the Revised Code. However, nothing in this section or in any rule 21663
adopted by the state board shall prohibit a parent whose child 21664
attends a public special education program under a contract, 21665
compact, or other bilateral agreement, or a parent whose child 21666
attends a community school, from applying for and accepting a 21667
scholarship under this section so that the parent may withdraw the 21668
child from that program or community school and use the 21669
scholarship for the child to attend a special education program 21670
for which the parent is required to pay for services for the 21671
child. 21672

Except for development of the child's individualized 21673
education program, the school district in which a qualified 21674
special education child is entitled to attend school and the 21675
child's school district of residence, as defined in section 21676

3323.01 of the Revised Code, if different, are not obligated to 21677
provide the child with a free appropriate public education under 21678
Chapter 3323. of the Revised Code for as long as the child 21679
continues to attend the special education program operated by 21680
either an alternative public provider or a registered private 21681
provider for which a scholarship is awarded under the autism 21682
scholarship program. If at any time, the eligible applicant for 21683
the child decides no longer to accept scholarship payments and 21684
enrolls the child in the special education program of the school 21685
district in which the child is entitled to attend school, that 21686
district shall provide the child with a free appropriate public 21687
education under Chapter 3323. of the Revised Code. 21688

A child attending a special education program with a 21689
scholarship under this section shall continue to be entitled to 21690
transportation to and from that program in the manner prescribed 21691
by law. 21692

(C)(1) As prescribed in ~~divisions~~ division (A)(2)(h) ~~7~~ 21693
~~(B)(3)(g), and (B)(10)~~ of section 3317.03 of the Revised Code, a 21694
child who is not a preschool child with a disability for whom a 21695
scholarship is awarded under this section shall be counted in the 21696
formula ADM ~~and the category six special education ADM~~ of the 21697
district in which the child is entitled to attend school and not 21698
in the formula ADM ~~and the category six special education ADM~~ of 21699
any other school district. ~~As prescribed in divisions (B)(3)(h)~~ 21700
~~and (B)(10) of section 3317.03 of the Revised Code, a child who is~~ 21701
~~a preschool child with a disability for whom a scholarship is~~ 21702
~~awarded under this section shall be counted in the preschool~~ 21703
~~scholarship ADM and category six special education ADM of the~~ 21704
~~school district in which the child is entitled to attend school~~ 21705
~~and not in the preschool scholarship ADM or category six special~~ 21706
~~education ADM of any other school district.~~ 21707

(2) ~~In each fiscal year, the department shall deduct from the~~ 21708

~~amounts paid to each school district under Chapter 3317. of the 21709
Revised Code, and, if necessary, sections 321.24 and 323.156 of 21710
the Revised Code, the aggregate amount of scholarships awarded 21711
under this section for qualified special education children 21712
included in the formula ADM, or preschool scholarship ADM, and in 21713
the category six special education ADM of that school district as 21714
provided in division (C)(1) of this section. 21715~~

~~The scholarships deducted shall be considered as an approved 21716
special education and related services expense of the school 21717
district. 21718~~

~~(3) From time to time, the department shall make a payment 21719
compute and distribute state core foundation funding to the parent 21720
of each qualified special education child for whom a scholarship 21721
has been awarded under this section. The scholarship amount shall 21722
be proportionately reduced in the case of any such child who is 21723
not enrolled in the special education program for which a 21724
scholarship was awarded under this section for the entire school 21725
year. The department shall make no payments to the parent of a 21726
child while any administrative or judicial mediation or 21727
proceedings with respect to the content of the child's 21728
individualized education program are pending. 21729~~

~~(D) A scholarship shall not be paid to a parent for payment 21730
of tuition owed to a nonpublic entity unless that entity is a 21731
registered private provider. The department shall approve entities 21732
that meet the standards established by rule of the state board for 21733
the program established under this section. 21734~~

~~(E) The state board shall adopt rules under Chapter 119. of 21735
the Revised Code prescribing procedures necessary to implement 21736
this section, including, but not limited to, procedures and 21737
deadlines for parents to apply for scholarships, standards for 21738
registered private providers, and procedures for approval of 21739
entities as registered private providers. 21740~~

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board.

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code:

(A) "Alternative public provider" means either of the

following providers that agrees to enroll a child in the 21771
provider's special education program to implement the child's 21772
individualized education program and to which the eligible 21773
applicant owes fees for the services provided to the child: 21774

(1) A school district that is not the school district in 21775
which the child is entitled to attend school or the child's school 21776
district of residence, if different; 21777

(2) A public entity other than a school district. 21778

(B) "Child with a disability" and "individualized education 21779
program" have the same meanings as in section 3323.01 of the 21780
Revised Code. 21781

(C) "Eligible applicant" means any of the following: 21782

(1) Either of the natural or adoptive parents of a qualified 21783
special education child, except as otherwise specified in this 21784
division. When the marriage of the natural or adoptive parents of 21785
the student has been terminated by a divorce, dissolution of 21786
marriage, or annulment, or when the natural or adoptive parents of 21787
the student are living separate and apart under a legal separation 21788
decree, and a court has issued an order allocating the parental 21789
rights and responsibilities with respect to the child, "eligible 21790
applicant" means the residential parent as designated by the 21791
court. If the court issues a shared parenting decree, "eligible 21792
applicant" means either parent. "Eligible applicant" does not mean 21793
a parent whose custodial rights have been terminated. 21794

(2) The custodian of a qualified special education child, 21795
when a court has granted temporary, legal, or permanent custody of 21796
the child to an individual other than either of the natural or 21797
adoptive parents of the child or to a government agency; 21798

(3) The guardian of a qualified special education child, when 21799
a court has appointed a guardian for the child; 21800

(4) The grandparent of a qualified special education child, 21801
when the grandparent is the child's attorney in fact under a power 21802
of attorney executed under sections 3109.51 to 3109.62 of the 21803
Revised Code or when the grandparent has executed a ~~caregiver~~ 21804
caretaker authorization affidavit under sections 3109.65 to 21805
3109.73 of the Revised Code; 21806

(5) The surrogate parent appointed for a qualified special 21807
education child pursuant to division (B) of section 3323.05 and 21808
section 3323.051 of the Revised Code; 21809

(6) A qualified special education child, if the child does 21810
not have a custodian or guardian and the child is at least 21811
eighteen years of age. 21812

(D) "Entitled to attend school" means entitled to attend 21813
school in a school district under sections 3313.64 and 3313.65 of 21814
the Revised Code. 21815

(E) "Formula ADM" ~~and "formula amount"~~ have has the same 21816
~~meanings~~ meaning as in section 3317.02 of the Revised Code. 21817

(F) "Qualified special education child" is a child for whom 21818
all of the following conditions apply: 21819

(1) The child is at least five years of age and less than 21820
twenty-two years of age. 21821

(2) The school district in which the child is entitled to 21822
attend school, or the child's school district of residence if 21823
different, has identified the child as a child with a disability. 21824

(3) The school district in which the child is entitled to 21825
attend school, or the child's school district of residence if 21826
different, has developed an individualized education program under 21827
Chapter 3323. of the Revised Code for the child. 21828

(4) The child either: 21829

(a) Was enrolled in the schools of the school district in 21830

which the child is entitled to attend school in any grade from 21831
kindergarten through twelve in the school year prior to the school 21832
year in which a scholarship is first sought for the child; 21833

(b) Is eligible to enter school in any grade kindergarten 21834
through twelve in the school district in which the child is 21835
entitled to attend school in the school year in which a 21836
scholarship is first sought for the child. 21837

(5) The department of education has not approved a 21838
scholarship for the child under the educational choice scholarship 21839
pilot program, under sections 3310.01 to 3310.17 of the Revised 21840
Code, the autism scholarship program, under section 3310.41 of the 21841
Revised Code, or the pilot project scholarship program, under 21842
sections 3313.974 to 3313.979 of the Revised Code for the same 21843
school year in which a scholarship under the Jon Peterson special 21844
needs scholarship program is sought. 21845

(6) The child and the child's parents are in compliance with 21846
the state compulsory attendance law under Chapter 3321. of the 21847
Revised Code. 21848

(G) "Registered private provider" means a nonpublic school or 21849
other nonpublic entity that has been registered by the 21850
superintendent of public instruction under section 3310.58 of the 21851
Revised Code. 21852

(H) "Scholarship" means a scholarship awarded under the Jon 21853
Peterson special needs scholarship program pursuant to sections 21854
3310.51 to 3310.64 of the Revised Code. 21855

(I) "School district of residence" has the same meaning as in 21856
section 3323.01 of the Revised Code. A community school 21857
established under Chapter 3314. of the Revised Code is not a 21858
"school district of residence" for purposes of sections 3310.51 to 21859
3310.64 of the Revised Code. 21860

(J) "School year" has the same meaning as in section 3313.62 21861

of the Revised Code. 21862

(K) "Special education program" means a school or facility 21863
that provides special education and related services to children 21864
with disabilities. 21865

Sec. 3310.54. A qualified special education child in any of 21866
grades kindergarten through twelve for whom a scholarship is 21867
awarded under the Jon Peterson special needs scholarship program 21868
shall be counted in the formula ADM ~~and category one through six~~ 21869
~~special education ADM, as appropriate,~~ of the school district in 21870
which the child is entitled to attend school. A qualified special 21871
education child shall not be counted in the formula ADM ~~or~~ 21872
~~category one through six special education ADM~~ of any other school 21873
district. 21874

Sec. 3310.56. (A) The amount of the scholarship ~~awarded and~~ 21875
~~paid~~ computed and distributed using state core foundation funding 21876
to an eligible applicant for services for a qualified special 21877
education child under the Jon Peterson special needs scholarship 21878
program in each school year shall be the least of the amounts 21879
prescribed in divisions (A)(1), (2), and (3) of this section, as 21880
follows: 21881

(1) The amount of fees charged for that school year by the 21882
alternative public provider or registered private provider; 21883

(2) The sum of the amounts calculated under divisions 21884
(A)(2)(a) and (b) of this section: 21885

(a) ~~The formula amount~~ \$6,020; 21886

(b) An amount prescribed for the child's disability as 21887
follows: 21888

(i) For a student in category one, ~~the amount specified in~~ 21889
~~division (A) of section 3317.013 of the Revised Code~~ \$1,578; 21890

(ii) For a student in category two, the amount specified in	21891
division (B) of section 3317.013 of the Revised Code <u>\$4,005</u> ;	21892
(iii) For a student in category three, the amount specified	21893
in division (C) of section 3317.013 of the Revised Code <u>\$9,662</u> ;	21894
(iv) For a student in category four, the amount specified in	21895
division (D) of section 3317.013 of the Revised Code <u>\$12,841</u> ;	21896
(v) For a student in category five, the amount specified in	21897
division (E) of section 3317.013 of the Revised Code <u>\$17,390</u> ;	21898
(vi) For a student in category six, the amount specified in	21899
division (F) of section 3317.013 of the Revised Code <u>\$25,637</u> .	21900
(3) Twenty-seven thousand dollars.	21901
(B) As used in division (A)(2)(b) of this section, a child	21902
with a disability is in:	21903
(1) "Category one" if the child is receiving special	21904
education services for a disability specified in division (A) of	21905
section 3317.013 of the Revised Code;	21906
(2) "Category two" if the child is receiving special	21907
education services for a disability specified in division (B) of	21908
section 3317.013 of the Revised Code;	21909
(3) "Category three" if the child is receiving special	21910
education services for a disability specified in division (C) of	21911
section 3317.013 of the Revised Code;	21912
(4) "Category four" if the child is receiving special	21913
education services for a disability specified in division (D) of	21914
section 3317.013 of the Revised Code;	21915
(5) "Category five" if the child is receiving special	21916
education services for a disability specified in division (E) of	21917
section 3317.013 of the Revised Code;	21918
(6) "Category six" if the child is receiving special	21919

education services for a disability specified in division (F) of 21920
section 3317.013 of the Revised Code. 21921

Sec. 3311.741. (A) This section applies only to a municipal 21922
school district in existence on July 1, 2012. 21923

(B) Not later than December 1, 2012, the board of education 21924
of each municipal school district to which this section applies 21925
shall submit to the superintendent of public instruction an array 21926
of measures to be used in evaluating the performance of the 21927
district. The measures shall assess at least overall student 21928
achievement, student progress over time, the achievement and 21929
progress over time of each of the applicable categories of 21930
students described in division (F) of section 3302.03 of the 21931
Revised Code, and college and career readiness. The state 21932
superintendent shall approve or disapprove the measures by January 21933
15, 2013. If the measures are disapproved, the state 21934
superintendent shall recommend modifications that will make the 21935
measures acceptable. 21936

(C) Beginning with the 2012-2013 school year, the board 21937
annually shall establish goals for improvement on each of the 21938
measures approved under division (B) of this section. The school 21939
district's performance data for the 2011-2012 school year shall be 21940
used as a baseline for determining improvement. 21941

(D) Not later than October 1, 2013, and by the first day of 21942
October each year thereafter, the board shall issue a report 21943
describing the school district's performance for the previous 21944
school year on each of the measures approved under division (B) of 21945
this section and whether the district has met each of the 21946
improvement goals established for that year under division (C) of 21947
this section. The board shall provide the report to the governor, 21948
the superintendent of public instruction, and, in accordance with 21949
section 101.68 of the Revised Code, the general assembly. 21950

~~(E) Not later than November 15, 2017, the superintendent of public instruction shall evaluate the school district's performance based on the measures approved under division (B) of this section and shall issue a report to the governor and general assembly.~~

Sec. 3313.48. (A) The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. Each school so provided and each chartered nonpublic school shall be open for instruction with pupils in attendance, including scheduled classes, supervised activities, and approved education options but excluding lunch and breakfast periods and extracurricular activities, for not less than four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, as defined in section 3321.05 of the Revised Code, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year, which may include all of the following:

(1) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for the purpose of individualized parent-teacher conferences and reporting periods;

(2) Up to the equivalent of two school days per year during which pupils would otherwise be in attendance but are not required to attend for professional meetings of teachers;

(3) Morning and afternoon recess periods of not more than fifteen minutes duration per period for pupils in grades

kindergarten through six. 21982

(B) Not later than thirty days prior to adopting a school 21983
calendar, the board of education of each city, exempted village, 21984
and local school district shall hold a public hearing on the 21985
school calendar, addressing topics that include, but are not 21986
limited to, the total number of hours in a school year, length of 21987
school day, and beginning and end dates of instruction. 21988

(C) No school operated by a city, exempted village, local, or 21989
joint vocational school district shall reduce the number of hours 21990
in each school year that the school is scheduled to be open for 21991
instruction from the number of hours per year the school was open 21992
for instruction during the previous school year unless the 21993
reduction is approved by a resolution adopted by the district 21994
board of education. Any reduction so approved shall not result in 21995
fewer hours of instruction per school year than the applicable 21996
number of hours required under division (A) of this section. 21997

(D) Prior to making any change in the hours or days in which 21998
a high school under its jurisdiction is open for instruction, the 21999
board of education of each city, exempted village, and local 22000
school district shall consider the compatibility of the proposed 22001
change with the scheduling needs of any joint vocational school 22002
district in which any of the high school's students are also 22003
enrolled. The board shall consider the impact of the proposed 22004
change on student access to the instructional programs offered by 22005
the joint vocational school district, incentives for students to 22006
participate in career-technical education, transportation, and the 22007
timing of graduation. The board shall provide the joint vocational 22008
school district board with advance notice of the proposed change 22009
and the two boards shall enter into a written agreement 22010
prescribing reasonable accommodations to meet the scheduling needs 22011
of the joint vocational school district prior to implementation of 22012
the change. 22013

(E) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 22014
prior to making any change in the hours or days in which a school 22015
under its jurisdiction is open for instruction, the board of 22016
education of each city, exempted village, and local school 22017
district shall consider the compatibility of the proposed change 22018
with the scheduling needs of any community school established 22019
under Chapter 3314. of the Revised Code to which the district is 22020
required to transport students under sections 3314.09 and 3327.01 22021
of the Revised Code. The board shall consider the impact of the 22022
proposed change on student access to the instructional programs 22023
offered by the community school, transportation, and the timing of 22024
graduation. The board shall provide the sponsor, governing 22025
authority, and operator of the community school with advance 22026
notice of the proposed change, and the board and the governing 22027
authority, or operator if such authority is delegated to the 22028
operator, shall enter into a written agreement prescribing 22029
reasonable accommodations to meet the scheduling needs of the 22030
community school prior to implementation of the change. 22031

(F) ~~Prior~~ Subject to section 3327.016 of the Revised Code, 22032
prior to making any change in the hours or days in which the 22033
schools under its jurisdiction are open for instruction, the board 22034
of education of each city, exempted village, and local school 22035
district shall consult with the chartered nonpublic schools to 22036
which the district is required to transport students under section 22037
3327.01 of the Revised Code and shall consider the effect of the 22038
proposed change on the schedule for transportation of those 22039
students to their nonpublic schools. The governing authority of a 22040
chartered nonpublic school shall consult with each school district 22041
board of education that transports students to the chartered 22042
nonpublic school under section 3327.01 of the Revised Code prior 22043
to making any change in the hours or days in which the nonpublic 22044
school is open for instruction. 22045

(G) The state board of education shall not adopt or enforce 22046
any rule or standard that imposes on chartered nonpublic schools 22047
the procedural requirements imposed on school districts by 22048
divisions (B), (C), (D), and (E) of this section. 22049

Sec. 3313.488. (A) Within fifteen days after the date the 22050
state board of education issues an order under section 3313.487 of 22051
the Revised Code making a school district subject to this section, 22052
the district's board of education shall prepare a fiscal statement 22053
of expenses and expenditures for the remainder of the current 22054
fiscal year. The fiscal statement shall be submitted to the 22055
superintendent of public instruction and shall set forth all 22056
revenues to be received by the district during the remainder of 22057
the fiscal year and their sources, the expenses to be incurred by 22058
the district during the remainder of the fiscal year, the 22059
outstanding and unpaid expenses at the time the fiscal statement 22060
is prepared and the date or dates by which such expenses must be 22061
paid, and such other information as the superintendent requires to 22062
enable the superintendent to ensure that during the remainder of 22063
the fiscal year, the district will not incur any expenses that 22064
will further impair its ability to operate an instructional 22065
program that meets or exceeds the minimum standards of the state 22066
board of education and requirements of the Revised Code during the 22067
current and ensuing fiscal years with the revenue available to it 22068
from existing revenue sources. The fiscal statement shall be 22069
presented in such detail and form as the superintendent 22070
prescribes. Beginning the tenth day after the fiscal statement is 22071
submitted and for the remainder of the fiscal year, the board 22072
shall not make any expenditure of money, make any employment, 22073
purchase, or rental contract, give any order involving the 22074
expenditure of money, or increase any wage or salary schedule 22075
unless the superintendent of public instruction has approved the 22076
fiscal statement in writing and the expenditure, contract, order, 22077

or schedule has been approved in writing by the superintendent as 22078
being in conformity with the fiscal statement. 22079

Any contract or expenditure made, order given, or schedule 22080
adopted or put into effect without the written approval of the 22081
superintendent of public instruction is void, and no warrant shall 22082
be issued in payment of any amount due thereon. 22083

(B) A board of education subject to division (A) of this 22084
section shall prepare a fiscal statement of expenses and 22085
expenditures for the ensuing fiscal year. The fiscal statement 22086
shall be submitted to the superintendent of public instruction and 22087
shall set forth all revenues to be received by the district during 22088
such year and their source, the expenses to be incurred by the 22089
district during such year, the outstanding and unpaid expenses on 22090
the first day of such fiscal year, the date or dates by which such 22091
expenses must be paid, and such other information as the 22092
superintendent requires to enable the superintendent to ensure 22093
that during such year, the district will not incur any expenses 22094
that will further impair its ability to operate an instructional 22095
program that meets or exceeds the minimum standards of the state 22096
board of education and requirements of the Revised Code during 22097
such year with the revenue available to it from existing revenue 22098
sources. The fiscal statement shall be presented at the time and 22099
in such detail and form as the superintendent prescribes. During 22100
the fiscal year following the year in which a board of education 22101
first becomes subject to division (A) of this section it shall not 22102
make any expenditure of money, make any employment, purchase, or 22103
rental contract, give any order involving the expenditure of 22104
money, or increase any wage or salary schedule unless the 22105
superintendent of public instruction has approved the fiscal 22106
statement submitted under this division in writing and has 22107
approved the expenditure, contract, order, or schedule in writing 22108
as being in conformity with the fiscal statement. 22109

Any contract or expenditure made, order given, or schedule 22110
adopted or put into effect without the written approval of the 22111
superintendent of public instruction is void, and no warrant shall 22112
be issued in payment of any amount due thereon. 22113

(C) The state board of education shall examine any fiscal 22114
statement presented to and approved by the superintendent of 22115
public instruction under division (B) of this section and shall 22116
determine whether the data set forth in the fiscal statement are 22117
factual and based upon assumptions that in its judgment are 22118
reasonable expectations consistent with acceptable governmental 22119
budget and accounting practices. If the state board so determines 22120
and finds that the revenues and expenditures in the fiscal 22121
statement are in balance for the fiscal year and the fiscal 22122
statement will enable the district to operate during such year 22123
without interrupting its school calendar, it shall certify its 22124
determination and finding to the district at least thirty days 22125
prior to the beginning of the fiscal year, and the district shall 22126
thereupon cease to be subject to this section. If the state board 22127
does not make such a determination and finding, the board of 22128
education and school district are subject to this division and 22129
division (B) of this section in the ensuing fiscal year and each 22130
fiscal year thereafter until the state board makes a 22131
determination, finding, and certification under this division. 22132

(D) Any officer, employee, or other person who knowingly 22133
expends or authorizes the expenditure of any public funds or 22134
knowingly authorizes or executes any contract, order, or schedule 22135
contrary to division (A) or (B) of this section or who knowingly 22136
expends or authorizes the expenditure of any public funds on any 22137
such void contract, order, or schedule is jointly and severally 22138
liable in person and upon any official bond that the officer, 22139
employee, or other person has given to such school district to the 22140
extent of any payments on the void claim, not to exceed twenty 22141

thousand dollars. The attorney general at the written request of 22142
the superintendent of public instruction shall enforce this 22143
liability by civil action brought in any court of appropriate 22144
jurisdiction in the name of and on behalf of the school district. 22145

~~(E) During each month that a board of education is subject to 22146
division (A), (B), or (C) of this section, the superintendent of 22147
public instruction shall submit a report to the speaker of the 22148
house of representatives and the president of the senate on the 22149
financial condition of the school district. The report shall 22150
contain the date by which the superintendent anticipates the 22151
district will cease to be subject to such divisions, the 22152
district's plans for becoming exempt from such section, and such 22153
other information the superintendent determines appropriate or the 22154
speaker of the house of representatives or president of the senate 22155
requests. 22156~~

~~In addition to the other reports required under this 22157
division, on the thirty first day of each school district fiscal 22158
year following a fiscal year in which a school district first 22159
becomes subject to this section, the superintendent shall submit a 22160
written report to the speaker of the house of representatives and 22161
the president of the senate. The report shall include 22162
recommendations to the general assembly for strengthening the 22163
financial condition of school districts based upon the experiences 22164
of the superintendent and the state board in exercising their 22165
powers under this section and sections 3313.483 and 3313.487 of 22166
the Revised Code. 22167~~

~~(F) This section does not apply to a school district declared 22168
to be under a fiscal emergency pursuant to division (B) of section 22169
3316.03 of the Revised Code. 22170~~

Sec. 3313.5315. Any student from a country or province 22171
outside the United States who attends an elementary or secondary 22172

school in this state that began operating a dormitory on its 22173
campus prior to 2014, shall be permitted to participate in 22174
interscholastic athletics at that school on the same basis as 22175
students who are residents of this state, so long as the student 22176
holds an F-1 visa issued by the United States department of state. 22177
Such a student shall not be denied the opportunity to participate 22178
in interscholastic athletics solely because the student's parents 22179
do not reside in this state. 22180

No school district, school, interscholastic conference, or 22181
organization that regulates interscholastic conferences or events 22182
shall have a rule, bylaw, or other regulation that conflicts with 22183
this section. 22184

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 22185
of the Revised Code, divisions (A) to (E) of this section do not 22186
apply to any cooperative education school district established 22187
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 22188
Code. 22189

(A) The board of education of each city, exempted village, 22190
and local school district and the board of each cooperative 22191
education school district established, pursuant to section 22192
3311.521 of the Revised Code, shall prescribe a curriculum for all 22193
schools under its control. Except as provided in division (E) of 22194
this section, in any such curriculum there shall be included the 22195
study of the following subjects: 22196

(1) The language arts, including reading, writing, spelling, 22197
oral and written English, and literature; 22198

(2) Geography, the history of the United States and of Ohio, 22199
and national, state, and local government in the United States, 22200
including a balanced presentation of the relevant contributions to 22201
society of men and women of African, Mexican, Puerto Rican, and 22202

American Indian descent as well as other ethnic and racial groups	22203
in Ohio and the United States;	22204
(3) Mathematics;	22205
(4) Natural science, including instruction in the	22206
conservation of natural resources;	22207
(5) Health education, which shall include instruction in:	22208
(a) The nutritive value of foods, including natural and	22209
organically produced foods, the relation of nutrition to health,	22210
and the use and effects of food additives;	22211
(b) The harmful effects of and legal restrictions against the	22212
use of drugs of abuse, alcoholic beverages, and tobacco, <u>including</u>	22213
<u>electronic smoking devices</u> ;	22214
(c) Venereal disease education, except that upon written	22215
request of the student's parent or guardian, a student shall be	22216
excused from taking instruction in venereal disease education;	22217
(d) In grades kindergarten through six, instruction in	22218
personal safety and assault prevention, except that upon written	22219
request of the student's parent or guardian, a student shall be	22220
excused from taking instruction in personal safety and assault	22221
prevention;	22222
(e) In grades seven through twelve, age-appropriate	22223
instruction in dating violence prevention education, which shall	22224
include instruction in recognizing dating violence warning signs	22225
and characteristics of healthy relationships.	22226
In order to assist school districts in developing a dating	22227
violence prevention education curriculum, the department of	22228
education shall provide on its web site links to free curricula	22229
addressing dating violence prevention.	22230
If the parent or legal guardian of a student less than	22231
eighteen years of age submits to the principal of the student's	22232

school a written request to examine the dating violence prevention 22233
instruction materials used at that school, the principal, within a 22234
reasonable period of time after the request is made, shall allow 22235
the parent or guardian to examine those materials at that school. 22236

(f) Prescription opioid abuse prevention, with an emphasis on 22237
the prescription drug epidemic and the connection between 22238
prescription opioid abuse and addiction to other drugs, such as 22239
heroin; 22240

(g) The process of making an anatomical gift under Chapter 22241
2108. of the Revised Code, with an emphasis on the life-saving and 22242
life-enhancing effects of organ and tissue donation; 22243

(h) Beginning with the first day of the next school year that 22244
begins at least two years after ~~the effective date of this~~ 22245
~~amendment~~ March 24, 2021, in grades six through twelve, at least 22246
one hour or one standard class period per school year of 22247
evidence-based suicide awareness and prevention and at least one 22248
hour or one standard class period per school year of safety 22249
training and violence prevention, except that upon written request 22250
of the student's parent or guardian, a student shall be excused 22251
from taking instruction in suicide awareness and prevention or 22252
safety training and violence prevention; 22253

(i) Beginning with the first day of the next school year that 22254
begins at least two years after ~~the effective date of this~~ 22255
~~amendment~~ March 24, 2021, in grades six through twelve, at least 22256
one hour or one standard class period per school year of 22257
evidence-based social inclusion instruction, except that upon 22258
written request of the student's parent or guardian, a student 22259
shall be excused from taking instruction in social inclusion. 22260

For the instruction required under divisions (A)(5)(h) and 22261
(i) of this section, the board shall use a training program 22262
approved by the department of education under section 3301.221 of 22263

the Revised Code. 22264

Schools may use student assemblies, digital learning, and 22265
homework to satisfy the instruction requirements under divisions 22266
(A)(5)(h) and (i) of this section. 22267

(6) Physical education; 22268

(7) The fine arts, including music; 22269

(8) First aid, including a training program in 22270
cardiopulmonary resuscitation, which shall comply with section 22271
3313.6021 of the Revised Code when offered in any of grades nine 22272
through twelve, safety, and fire prevention. However, upon written 22273
request of the student's parent or guardian, a student shall be 22274
excused from taking instruction in cardiopulmonary resuscitation. 22275

(B) Except as provided in division (E) of this section, every 22276
school or school district shall include in the requirements for 22277
promotion from the eighth grade to the ninth grade one year's 22278
course of study of American history. A board may waive this 22279
requirement for academically accelerated students who, in 22280
accordance with procedures adopted by the board, are able to 22281
demonstrate mastery of essential concepts and skills of the eighth 22282
grade American history course of study. 22283

(C) As specified in divisions (B)(6) and (C)(6) of section 22284
3313.603 of the Revised Code, except as provided in division (E) 22285
of this section, every high school shall include in the 22286
requirements for graduation from any curriculum one-half unit each 22287
of American history and government. 22288

(D) Except as provided in division (E) of this section, basic 22289
instruction or demonstrated mastery in geography, United States 22290
history, the government of the United States, the government of 22291
the state of Ohio, local government in Ohio, the Declaration of 22292
Independence, the United States Constitution, and the Constitution 22293
of the state of Ohio shall be required before pupils may 22294

participate in courses involving the study of social problems, 22295
economics, foreign affairs, United Nations, world government, 22296
socialism, and communism. 22297

(E) For each cooperative education school district 22298
established pursuant to section 3311.521 of the Revised Code and 22299
each city, exempted village, and local school district that has 22300
territory within such a cooperative district, the curriculum 22301
adopted pursuant to divisions (A) to (D) of this section shall 22302
only include the study of the subjects that apply to the grades 22303
operated by each such school district. The ~~curriculum~~ curricula 22304
for such schools, when combined, shall provide to each student of 22305
these districts all of the subjects required under divisions (A) 22306
to (D) of this section. 22307

(F) The board of education of any cooperative education 22308
school district established pursuant to divisions (A) to (C) of 22309
section 3311.52 of the Revised Code shall prescribe a curriculum 22310
for the subject areas and grade levels offered in any school under 22311
its control. 22312

(G) Upon the request of any parent or legal guardian of a 22313
student, the board of education of any school district shall 22314
permit the parent or guardian to promptly examine, with respect to 22315
the parent's or guardian's own child: 22316

(1) Any survey or questionnaire, prior to its administration 22317
to the child; 22318

(2) Any textbook, workbook, software, video, or other 22319
instructional materials being used by the district in connection 22320
with the instruction of the child; 22321

(3) Any completed and graded test taken or survey or 22322
questionnaire filled out by the child; 22323

(4) Copies of the statewide academic standards and each model 22324
curriculum developed pursuant to section 3301.079 of the Revised 22325

Code, which copies shall be available at all times during school 22326
hours in each district school building. 22327

Sec. 3313.603. (A) As used in this section: 22328

(1) "One unit" means a minimum of one hundred twenty hours of 22329
course instruction, except that for a laboratory course, "one 22330
unit" means a minimum of one hundred fifty hours of course 22331
instruction. 22332

(2) "One-half unit" means a minimum of sixty hours of course 22333
instruction, except that for physical education courses, "one-half 22334
unit" means a minimum of one hundred twenty hours of course 22335
instruction. 22336

(B) Beginning September 15, 2001, except as required in 22337
division (C) of this section and division (C) of section 3313.614 22338
of the Revised Code, the requirements for graduation from every 22339
high school shall include twenty units earned in grades nine 22340
through twelve and shall be distributed as follows: 22341

(1) English language arts, four units; 22342

(2) Health, one-half unit; 22343

(3) Mathematics, three units; 22344

(4) Physical education, one-half unit; 22345

(5) Science, two units until September 15, 2003, and three 22346
units thereafter, which at all times shall include both of the 22347
following: 22348

(a) Biological sciences, one unit; 22349

(b) Physical sciences, one unit. 22350

(6) History and government, one unit, which shall comply with 22351
division (M) of this section and shall include both of the 22352
following: 22353

(a) American history, one-half unit;	22354
(b) American government, one-half unit.	22355
(7) Social studies, two units.	22356
Beginning with students who enter ninth grade for the first	22357
time on or after July 1, 2017, the two units of instruction	22358
prescribed by division (B)(7) of this section shall include at	22359
least one-half unit of instruction in the study of world history	22360
and civilizations.	22361
(8) Elective units, seven units until September 15, 2003, and	22362
six units thereafter.	22363
Each student's electives shall include at least one unit, or	22364
two half units, chosen from among the areas of	22365
business/technology, fine arts, and/or foreign language.	22366
(C) Beginning with students who enter ninth grade for the	22367
first time on or after July 1, 2010, except as provided in	22368
divisions (D) to (F) of this section, the requirements for	22369
graduation from every public and chartered nonpublic high school	22370
shall include twenty units that are designed to prepare students	22371
for the workforce and college. The units shall be distributed as	22372
follows:	22373
(1) English language arts, four units;	22374
(2) Health, one-half unit, which shall include instruction in	22375
nutrition and the benefits of nutritious foods and physical	22376
activity for overall health;	22377
(3) Mathematics, four units, which shall include one unit of	22378
algebra II or the equivalent of algebra II, or one unit of	22379
advanced computer science as described in the standards adopted	22380
pursuant to division (A)(4) of section 3301.079 of the Revised	22381
Code. However, students who enter ninth grade for the first time	22382
on or after July 1, 2015, and who are pursuing a career-technical	22383

instructional track shall not be required to take algebra II or 22384
advanced computer science, and instead may complete a career-based 22385
pathway mathematics course approved by the department of education 22386
as an alternative. 22387

For students who choose to take advanced computer science in 22388
lieu of algebra II under division (C)(3) of this section, the 22389
school shall communicate to those students that some institutions 22390
of higher education may require algebra II for the purpose of 22391
college admission. Also, the parent, guardian, or legal custodian 22392
of each student who chooses to take advanced computer science in 22393
lieu of algebra II shall sign and submit to the school a document 22394
containing a statement acknowledging that not taking algebra II 22395
may have an adverse effect on college admission decisions. 22396

(4) Physical education, one-half unit; 22397

(5) Science, three units with inquiry-based laboratory 22398
experience that engages students in asking valid scientific 22399
questions and gathering and analyzing information, which shall 22400
include the following, or their equivalent: 22401

(a) Physical sciences, one unit; 22402

(b) Life sciences, one unit; 22403

(c) Advanced study in one or more of the following sciences, 22404
one unit: 22405

(i) Chemistry, physics, or other physical science; 22406

(ii) Advanced biology or other life science; 22407

(iii) Astronomy, physical geology, or other earth or space 22408
science; 22409

(iv) Computer science. 22410

No student shall substitute a computer science course for a 22411
life sciences or biology course under division (C)(5) of this 22412
section. 22413

(6) History and government, one unit, which shall comply with 22414
division (M) of this section and shall include both of the 22415
following: 22416

(a) American history, one-half unit; 22417

(b) American government, one-half unit. 22418

(7) Social studies, two units. 22419

Each school shall integrate the study of economics and 22420
financial literacy, as expressed in the social studies academic 22421
content standards adopted by the state board of education under 22422
division (A)(1) of section 3301.079 of the Revised Code and the 22423
academic content standards for financial literacy and 22424
entrepreneurship adopted under division (A)(2) of that section, 22425
into one or more existing social studies credits required under 22426
division (C)(7) of this section, or into the content of another 22427
class, so that every high school student receives instruction in 22428
those concepts. In developing the curriculum required by this 22429
paragraph, schools shall use available public-private partnerships 22430
and resources and materials that exist in business, industry, and 22431
through the centers for economics education at institutions of 22432
higher education in the state. 22433

Beginning with students who enter ninth grade for the first 22434
time on or after July 1, 2017, the two units of instruction 22435
prescribed by division (C)(7) of this section shall include at 22436
least one-half unit of instruction in the study of world history 22437
and civilizations. 22438

(8) Five units consisting of one or any combination of 22439
foreign language, fine arts, business, career-technical education, 22440
family and consumer sciences, technology which may include 22441
computer science, agricultural education, a junior reserve officer 22442
training corps (JROTC) program approved by the congress of the 22443
United States under title 10 of the United States Code, or English 22444

language arts, mathematics, science, or social studies courses not 22445
otherwise required under division (C) of this section. 22446

Ohioans must be prepared to apply increased knowledge and 22447
skills in the workplace and to adapt their knowledge and skills 22448
quickly to meet the rapidly changing conditions of the 22449
twenty-first century. National studies indicate that all high 22450
school graduates need the same academic foundation, regardless of 22451
the opportunities they pursue after graduation. The goal of Ohio's 22452
system of elementary and secondary education is to prepare all 22453
students for and seamlessly connect all students to success in 22454
life beyond high school graduation, regardless of whether the next 22455
step is entering the workforce, beginning an apprenticeship, 22456
engaging in post-secondary training, serving in the military, or 22457
pursuing a college degree. 22458

The requirements for graduation prescribed in division (C) of 22459
this section are the standard expectation for all students 22460
entering ninth grade for the first time at a public or chartered 22461
nonpublic high school on or after July 1, 2010. A student may 22462
satisfy this expectation through a variety of methods, including, 22463
but not limited to, integrated, applied, career-technical, and 22464
traditional coursework. 22465

Stronger coordination between high schools and institutions 22466
of higher education is necessary to prepare students for more 22467
challenging academic endeavors and to lessen the need for academic 22468
remediation in college, thereby reducing the costs of higher 22469
education for Ohio's students, families, and the state. The state 22470
board and the chancellor of higher education shall develop 22471
policies to ensure that only in rare instances will students who 22472
complete the requirements for graduation prescribed in division 22473
(C) of this section require academic remediation after high 22474
school. 22475

School districts, community schools, and chartered nonpublic 22476

schools shall integrate technology into learning experiences 22477
across the curriculum in order to maximize efficiency, enhance 22478
learning, and prepare students for success in the 22479
technology-driven twenty-first century. Districts and schools 22480
shall use distance and web-based course delivery as a method of 22481
providing or augmenting all instruction required under this 22482
division, including laboratory experience in science. Districts 22483
and schools shall utilize technology access and electronic 22484
learning opportunities provided by the broadcast educational media 22485
commission, chancellor, the Ohio learning network, education 22486
technology centers, public television stations, and other public 22487
and private providers. 22488

(D) Except as provided in division (E) of this section, a 22489
student who enters ninth grade on or after July 1, 2010, and 22490
before July 1, 2016, may qualify for graduation from a public or 22491
chartered nonpublic high school even though the student has not 22492
completed the requirements for graduation prescribed in division 22493
(C) of this section if all of the following conditions are 22494
satisfied: 22495

(1) During the student's third year of attending high school, 22496
as determined by the school, the student and the student's parent, 22497
guardian, or custodian sign and file with the school a written 22498
statement asserting the parent's, guardian's, or custodian's 22499
consent to the student's graduating without completing the 22500
requirements for graduation prescribed in division (C) of this 22501
section and acknowledging that one consequence of not completing 22502
those requirements is ineligibility to enroll in most state 22503
universities in Ohio without further coursework. 22504

(2) The student and parent, guardian, or custodian fulfill 22505
any procedural requirements the school stipulates to ensure the 22506
student's and parent's, guardian's, or custodian's informed 22507
consent and to facilitate orderly filing of statements under 22508

division (D)(1) of this section. Annually, each district or school 22509
shall notify the department of the number of students who choose 22510
to qualify for graduation under division (D) of this section and 22511
the number of students who complete the student's success plan and 22512
graduate from high school. 22513

(3) The student and the student's parent, guardian, or 22514
custodian and a representative of the student's high school 22515
jointly develop a student success plan for the student in the 22516
manner described in division (C)(1) of section 3313.6020 of the 22517
Revised Code that specifies the student matriculating to a 22518
two-year degree program, acquiring a business and 22519
industry-recognized credential, or entering an apprenticeship. 22520

(4) The student's high school provides counseling and support 22521
for the student related to the plan developed under division 22522
(D)(3) of this section during the remainder of the student's high 22523
school experience. 22524

(5)(a) Except as provided in division (D)(5)(b) of this 22525
section, the student successfully completes, at a minimum, the 22526
curriculum prescribed in division (B) of this section. 22527

(b) Beginning with students who enter ninth grade for the 22528
first time on or after July 1, 2014, a student shall be required 22529
to complete successfully, at the minimum, the curriculum 22530
prescribed in division (B) of this section, except as follows: 22531

(i) Mathematics, four units, one unit which shall be one of 22532
the following: 22533

(I) Probability and statistics; 22534

(II) Computer science; 22535

(III) Applied mathematics or quantitative reasoning; 22536

(IV) Any other course approved by the department using 22537
standards established by the superintendent not later than October 22538

1, 2014. 22539

(ii) Elective units, five units; 22540

(iii) Science, three units as prescribed by division (B) of 22541
this section which shall include inquiry-based laboratory 22542
experience that engages students in asking valid scientific 22543
questions and gathering and analyzing information. 22544

~~The department, in collaboration with the chancellor, shall 22545
analyze student performance data to determine if there are 22546
mitigating factors that warrant extending the exception permitted 22547
by division (D) of this section to high school classes beyond 22548
those entering ninth grade before July 1, 2016. The department 22549
shall submit its findings and any recommendations not later than 22550
December 1, 2015, to the speaker and minority leader of the house 22551
of representatives, the president and minority leader of the 22552
senate, the chairpersons and ranking minority members of the 22553
standing committees of the house of representatives and the senate 22554
that consider education legislation, the state board of education, 22555
and the superintendent of public instruction. 22556~~

(E) Each school district and chartered nonpublic school 22557
retains the authority to require an even more challenging minimum 22558
curriculum for high school graduation than specified in division 22559
(B) or (C) of this section. A school district board of education, 22560
through the adoption of a resolution, or the governing authority 22561
of a chartered nonpublic school may stipulate any of the 22562
following: 22563

(1) A minimum high school curriculum that requires more than 22564
twenty units of academic credit to graduate; 22565

(2) An exception to the district's or school's minimum high 22566
school curriculum that is comparable to the exception provided in 22567
division (D) of this section but with additional requirements, 22568
which may include a requirement that the student successfully 22569

complete more than the minimum curriculum prescribed in division 22570
(B) of this section; 22571

(3) That no exception comparable to that provided in division 22572
(D) of this section is available. 22573

If a school district or chartered nonpublic school requires a 22574
foreign language as an additional graduation requirement under 22575
division (E) of this section, a student may apply one unit of 22576
instruction in computer coding to satisfy one unit of foreign 22577
language. If a student applies more than one computer coding 22578
course to satisfy the foreign language requirement, the courses 22579
shall be sequential and progressively more difficult. 22580

(F) A student enrolled in a dropout prevention and recovery 22581
program, which program has received a waiver from the department, 22582
may qualify for graduation from high school by successfully 22583
completing a competency-based instructional program administered 22584
by the dropout prevention and recovery program in lieu of 22585
completing the requirements for graduation prescribed in division 22586
(C) of this section. The department shall grant a waiver to a 22587
dropout prevention and recovery program, within sixty days after 22588
the program applies for the waiver, if the program meets all of 22589
the following conditions: 22590

(1) The program serves only students not younger than sixteen 22591
years of age and not older than twenty-one years of age. 22592

(2) The program enrolls students who, at the time of their 22593
initial enrollment, either, or both, are at least one grade level 22594
behind their cohort age groups or experience crises that 22595
significantly interfere with their academic progress such that 22596
they are prevented from continuing their traditional programs. 22597

(3) The program requires students to attain at least the 22598
applicable score designated for each of the assessments prescribed 22599
under division (B)(1) of section 3301.0710 of the Revised Code or, 22600

to the extent prescribed by rule of the state board under division 22601
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 22602
of that section. 22603

(4) The program develops a student success plan for the 22604
student in the manner described in division (C)(1) of section 22605
3313.6020 of the Revised Code that specifies the student's 22606
matriculating to a two-year degree program, acquiring a business 22607
and industry-recognized credential, or entering an apprenticeship. 22608

(5) The program provides counseling and support for the 22609
student related to the plan developed under division (F)(4) of 22610
this section during the remainder of the student's high school 22611
experience. 22612

(6) The program requires the student and the student's 22613
parent, guardian, or custodian to sign and file, in accordance 22614
with procedural requirements stipulated by the program, a written 22615
statement asserting the parent's, guardian's, or custodian's 22616
consent to the student's graduating without completing the 22617
requirements for graduation prescribed in division (C) of this 22618
section and acknowledging that one consequence of not completing 22619
those requirements is ineligibility to enroll in most state 22620
universities in Ohio without further coursework. 22621

(7) Prior to receiving the waiver, the program has submitted 22622
to the department an instructional plan that demonstrates how the 22623
academic content standards adopted by the state board under 22624
section 3301.079 of the Revised Code will be taught and assessed. 22625

(8) Prior to receiving the waiver, the program has submitted 22626
to the department a policy on career advising that satisfies the 22627
requirements of section 3313.6020 of the Revised Code, with an 22628
emphasis on how every student will receive career advising. 22629

(9) Prior to receiving the waiver, the program has submitted 22630
to the department a written agreement outlining the future 22631

cooperation between the program and any combination of local job 22632
training, postsecondary education, nonprofit, and health and 22633
social service organizations to provide services for students in 22634
the program and their families. 22635

Divisions (F)(8) and (9) of this section apply only to 22636
waivers granted on or after July 1, 2015. 22637

If the department does not act either to grant the waiver or 22638
to reject the program application for the waiver within sixty days 22639
as required under this section, the waiver shall be considered to 22640
be granted. 22641

(G) Every high school may permit students below the ninth 22642
grade to take advanced work. If a high school so permits, it shall 22643
award high school credit for successful completion of the advanced 22644
work and shall count such advanced work toward the graduation 22645
requirements of division (B) or (C) of this section if the 22646
advanced work was both: 22647

(1) Taught by a person who possesses a license or certificate 22648
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 22649
Code that is valid for teaching high school; 22650

(2) Designated by the board of education of the city, local, 22651
or exempted village school district, the board of the cooperative 22652
education school district, or the governing authority of the 22653
chartered nonpublic school as meeting the high school curriculum 22654
requirements. 22655

Each high school shall record on the student's high school 22656
transcript all high school credit awarded under division (G) of 22657
this section. In addition, if the student completed a seventh- or 22658
eighth-grade fine arts course described in division (K) of this 22659
section and the course qualified for high school credit under that 22660
division, the high school shall record that course on the 22661
student's high school transcript. 22662

(H) The department shall make its individual academic career 22663
plan available through its Ohio career information system web site 22664
for districts and schools to use as a tool for communicating with 22665
and providing guidance to students and families in selecting high 22666
school courses. 22667

(I) A school district or chartered nonpublic school may 22668
integrate academic content in a subject area for which the state 22669
board has adopted standards under section 3301.079 of the Revised 22670
Code into a course in a different subject area, including a 22671
career-technical education course, in accordance with guidance for 22672
integrated coursework developed by the department. Upon successful 22673
completion of an integrated course, a student may receive credit 22674
for both subject areas that were integrated into the course. Units 22675
earned for subject area content delivered through integrated 22676
academic and career-technical instruction are eligible to meet the 22677
graduation requirements of division (B) or (C) of this section. 22678

For purposes of meeting graduation requirements, if an 22679
end-of-course examination has been prescribed under section 22680
3301.0712 of the Revised Code for the subject area delivered 22681
through integrated instruction, the school district or school may 22682
administer the related subject area examinations upon the 22683
student's completion of the integrated course. 22684

Nothing in division (I) of this section shall be construed to 22685
excuse any school district, chartered nonpublic school, or student 22686
from any requirement in the Revised Code related to curriculum, 22687
assessments, or the awarding of a high school diploma. 22688

(J)(1) The state board, in consultation with the chancellor, 22689
shall adopt a statewide plan implementing methods for students to 22690
earn units of high school credit based on a demonstration of 22691
subject area competency, instead of or in combination with 22692
completing hours of classroom instruction. The state board shall 22693
adopt the plan not later than March 31, 2009, and commence phasing 22694

in the plan during the 2009-2010 school year. The plan shall 22695
include a standard method for recording demonstrated proficiency 22696
on high school transcripts. Each school district and community 22697
school shall comply with the state board's plan adopted under this 22698
division and award units of high school credit in accordance with 22699
the plan. The state board may adopt existing methods for earning 22700
high school credit based on a demonstration of subject area 22701
competency as necessary prior to the 2009-2010 school year. 22702

(2) Not later than December 31, 2015, the state board shall 22703
update the statewide plan adopted pursuant to division (J)(1) of 22704
this section to also include methods for students enrolled in 22705
seventh and eighth grade to meet curriculum requirements based on 22706
a demonstration of subject area competency, instead of or in 22707
combination with completing hours of classroom instruction. 22708
Beginning with the 2017-2018 school year, each school district and 22709
community school also shall comply with the updated plan adopted 22710
pursuant to this division and permit students enrolled in seventh 22711
and eighth grade to meet curriculum requirements based on subject 22712
area competency in accordance with the plan. 22713

(3) Not later than December 31, 2017, the department shall 22714
develop a framework for school districts and community schools to 22715
use in granting units of high school credit to students who 22716
demonstrate subject area competency through work-based learning 22717
experiences, internships, or cooperative education. Beginning with 22718
the 2018-2019 school year, each district and community school 22719
shall comply with the framework. Each district and community 22720
school also shall review any policy it has adopted regarding the 22721
demonstration of subject area competency to identify ways to 22722
incorporate work-based learning experiences, internships, and 22723
cooperative education into the policy in order to increase student 22724
engagement and opportunities to earn units of high school credit. 22725

(K) This division does not apply to students who qualify for 22726

graduation from high school under division (D) or (F) of this 22727
section, or to students pursuing a career-technical instructional 22728
track as determined by the school district board of education or 22729
the chartered nonpublic school's governing authority. 22730
Nevertheless, the general assembly encourages such students to 22731
consider enrolling in a fine arts course as an elective. 22732

Beginning with students who enter ninth grade for the first 22733
time on or after July 1, 2010, each student enrolled in a public 22734
or chartered nonpublic high school shall complete two semesters or 22735
the equivalent of fine arts to graduate from high school. The 22736
coursework may be completed in any of grades seven to twelve. Each 22737
student who completes a fine arts course in grade seven or eight 22738
may elect to count that course toward the five units of electives 22739
required for graduation under division (C)(8) of this section, if 22740
the course satisfied the requirements of division (G) of this 22741
section. In that case, the high school shall award the student 22742
high school credit for the course and count the course toward the 22743
five units required under division (C)(8) of this section. If the 22744
course in grade seven or eight did not satisfy the requirements of 22745
division (G) of this section, the high school shall not award the 22746
student high school credit for the course but shall count the 22747
course toward the two semesters or the equivalent of fine arts 22748
required by this division. 22749

(L) Notwithstanding anything to the contrary in this section, 22750
the board of education of each school district and the governing 22751
authority of each chartered nonpublic school may adopt a policy to 22752
excuse from the high school physical education requirement each 22753
student who, during high school, has participated in 22754
interscholastic athletics, marching band, show choir, or 22755
cheerleading for at least two full seasons or in the junior 22756
reserve officer training corps for at least two full school years. 22757
If the board or authority adopts such a policy, the board or 22758

authority shall not require the student to complete any physical 22759
education course as a condition to graduate. However, the student 22760
shall be required to complete one-half unit, consisting of at 22761
least sixty hours of instruction, in another course of study. In 22762
the case of a student who has participated in the junior reserve 22763
officer training corps for at least two full school years, credit 22764
received for that participation may be used to satisfy the 22765
requirement to complete one-half unit in another course of study. 22766

(M) It is important that high school students learn and 22767
understand United States history and the governments of both the 22768
United States and the state of Ohio. Therefore, beginning with 22769
students who enter ninth grade for the first time on or after July 22770
1, 2012, the study of American history and American government 22771
required by divisions (B)(6) and (C)(6) of this section shall 22772
include the study of all of the following documents: 22773

(1) The Declaration of Independence; 22774

(2) The Northwest Ordinance; 22775

(3) The Constitution of the United States with emphasis on 22776
the Bill of Rights; 22777

(4) The Ohio Constitution. 22778

The study of each of the documents prescribed in divisions 22779
(M)(1) to (4) of this section shall include study of that document 22780
in its original context. 22781

The study of American history and government required by 22782
divisions (B)(6) and (C)(6) of this section shall include the 22783
historical evidence of the role of documents such as the 22784
Federalist Papers and the Anti-Federalist Papers to firmly 22785
establish the historical background leading to the establishment 22786
of the provisions of the Constitution and Bill of Rights. 22787

(N) A student may apply one unit of instruction in computer 22788

science to satisfy one unit of mathematics or one unit of science 22789
under division (C) of this section as the student chooses, 22790
regardless of the field of certification of the teacher who 22791
teaches the course, so long as that teacher meets the licensure 22792
requirements prescribed by section 3319.236 of the Revised Code 22793
and, prior to teaching the course, completes a professional 22794
development program determined to be appropriate by the district 22795
board. 22796

If a student applies more than one computer science course to 22797
satisfy curriculum requirements under that division, the courses 22798
shall be sequential and progressively more difficult or cover 22799
different subject areas within computer science. 22800

Sec. 3313.608. (A)(1) Beginning with students who enter third 22801
grade in the school year that starts July 1, 2009, and until June 22802
30, 2013, unless the student is excused under division (C) of 22803
section 3301.0711 of the Revised Code from taking the assessment 22804
described in this section, for any student who does not attain at 22805
least the equivalent level of achievement designated under 22806
division (A)(3) of section 3301.0710 of the Revised Code on the 22807
assessment prescribed under that section to measure skill in 22808
English language arts expected at the end of third grade, each 22809
school district, in accordance with the policy adopted under 22810
section 3313.609 of the Revised Code, shall do one of the 22811
following: 22812

(a) Promote the student to fourth grade if the student's 22813
principal and reading teacher agree that other evaluations of the 22814
student's skill in reading demonstrate that the student is 22815
academically prepared to be promoted to fourth grade; 22816

(b) Promote the student to fourth grade but provide the 22817
student with intensive intervention services in fourth grade; 22818

(c) Retain the student in third grade. 22819

(2) Beginning with students who enter third grade in the 2013-2014 school year, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, no school district shall promote to fourth grade any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, unless one of the following applies:

(a) The student is an English learner who has been enrolled in United States schools for less than three full school years and has had less than three years of instruction in an English as a second language program.

(b) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code and the student's individualized education program exempts the student from retention under this division.

(c) The student demonstrates an acceptable level of performance on an alternative standardized reading assessment as determined by the department of education.

(d) All of the following apply:

(i) The student is a child with a disability entitled to special education and related services under Chapter 3323. of the Revised Code.

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code.

(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has

received intensive remediation in reading for two school years but 22851
still demonstrates a deficiency in reading. 22852

(iv) The student previously was retained in any of grades 22853
kindergarten to three. 22854

(e)(i) The student received intensive remediation for reading 22855
for two school years but still demonstrates a deficiency in 22856
reading and was previously retained in any of grades kindergarten 22857
to three. 22858

(ii) A student who is promoted under division (A)(2)(e)(i) of 22859
this section shall continue to receive intensive reading 22860
instruction in grade four. The instruction shall include an 22861
altered instructional day that includes specialized diagnostic 22862
information and specific research-based reading strategies for the 22863
student that have been successful in improving reading among 22864
low-performing readers. 22865

~~(B)(1)~~(B)(1)(a) Beginning in the 2012-2013 school year, to 22866
assist students in meeting the third grade guarantee established 22867
by this section, each school district board of education shall 22868
adopt policies and procedures with which it annually shall assess 22869
the reading skills of each student, except those students with 22870
significant cognitive disabilities or other disabilities as 22871
authorized by the department on a case-by-case basis, enrolled in 22872
kindergarten to third grade and shall identify students who are 22873
reading below their grade level. The reading skills assessment 22874
shall be completed by the thirtieth day of September for students 22875
in grades one to three, and by the ~~first day of November~~ twentieth
day of instruction of the school year for students in 22876
kindergarten. Each district shall use the diagnostic assessment to 22878
measure reading ability for the appropriate grade level adopted 22879
under section 3301.079 of the Revised Code, or a comparable tool 22880
approved by the department of education, to identify such 22881
students. ~~The~~ 22882

(b) The policies and procedures shall require the students' 22883
classroom teachers to be involved in the assessment and the 22884
identification of students reading below grade level. The 22885
assessment may be administered electronically using live, two-way 22886
video and audio connections whereby the teacher administering the 22887
assessment may be in a separate location from the student. 22888

(c) Except for the kindergarten readiness assessment 22889
described in section 3301.0715 of the Revised Code, any comparable 22890
tool approved by the department for grades kindergarten through 22891
three shall include a sufficient number of items related to 22892
phonological awareness, phonemic awareness, rapid naming skills, 22893
nonsense word fluency, and correspondence between sounds and 22894
letters to identify students who may need further measures to 22895
determine if the students have dyslexia, as defined in section 22896
3319.80 of the Revised Code. 22897

(d) For each comparable tool approved under this section, the 22898
department shall require that the test vendor share information 22899
with the school regarding student performance on identification 22900
items related to dyslexia as described under division (B)(1)(c) of 22901
this section. The department also shall require the vendor to 22902
provide a summary of such information to the department, in the 22903
manner prescribed by the department. 22904

(2) For each student identified by the diagnostic assessment 22905
prescribed under this section as having reading skills below grade 22906
level, the district shall do both of the following: 22907

(a) Provide to the student's parent or guardian, in writing, 22908
all of the following: 22909

(i) Notification that the student has been identified as 22910
having a substantial deficiency in reading; 22911

(ii) A description of the current services that are provided 22912
to the student; 22913

(iii) A description of the proposed supplemental 22914
instructional services and supports that will be provided to the 22915
student that are designed to remediate the identified areas of 22916
reading deficiency; 22917

(iv) Notification that if the student attains a score in the 22918
range designated under division (A)(3) of section 3301.0710 of the 22919
Revised Code on the assessment prescribed under that section to 22920
measure skill in English language arts expected at the end of 22921
third grade, the student shall be retained unless the student is 22922
exempt under division (A) of this section. The notification shall 22923
specify that the assessment under section 3301.0710 of the Revised 22924
Code is not the sole determinant of promotion and that additional 22925
evaluations and assessments are available to the student to assist 22926
parents and the district in knowing when a student is reading at 22927
or above grade level and ready for promotion. 22928

(b) Provide intensive reading instruction services and 22929
regular diagnostic assessments to the student immediately 22930
following identification of a reading deficiency until the 22931
development of the reading improvement and monitoring plan 22932
required by division (C) of this section. These intervention 22933
services shall include research-based reading strategies that have 22934
been shown to be successful in improving reading among 22935
low-performing readers and instruction targeted at the student's 22936
identified reading deficiencies. 22937

(3) For each student retained under division (A) of this 22938
section, the district shall do all of the following: 22939

(a) Provide intense remediation services until the student is 22940
able to read at grade level. The remediation services shall 22941
include intensive interventions in reading that address the areas 22942
of deficiencies identified under this section including, but not 22943
limited to, not less than ninety minutes of reading instruction 22944
per day, and may include any of the following: 22945

(i) Small group instruction;	22946
(ii) Reduced teacher-student ratios;	22947
(iii) More frequent progress monitoring;	22948
(iv) Tutoring or mentoring;	22949
(v) Transition classes containing third and fourth grade students;	22950 22951
(vi) Extended school day, week, or year;	22952
(vii) Summer reading camps.	22953
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	22954 22955 22956
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	22957 22958
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	22959 22960 22961 22962 22963 22964 22965 22966
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	22967 22968 22969 22970 22971
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	22972 22973
<u>(5) Any tool approved by the department under division (B) of</u>	22974

this section, other than the kindergarten readiness assessment, 22975
may be used to meet the requirement to administer a tier one 22976
dyslexia screening under section 3323.251 of the Revised Code. 22977

(C) For each student required to be provided intervention 22978
services under this section, the district shall develop a reading 22979
improvement and monitoring plan within sixty days after receiving 22980
the student's results on the diagnostic assessment or comparable 22981
tool administered under division (B)(1) of this section. The 22982
district shall involve the student's parent or guardian and 22983
classroom teacher in developing the plan. The plan shall include 22984
all of the following: 22985

(1) Identification of the student's specific reading 22986
deficiencies; 22987

(2) A description of the additional instructional services 22988
and support that will be provided to the student to remediate the 22989
identified reading deficiencies; 22990

(3) Opportunities for the student's parent or guardian to be 22991
involved in the instructional services and support described in 22992
division (C)(2) of this section; 22993

(4) A process for monitoring the extent to which the student 22994
receives the instructional services and support described in 22995
division (C)(2) of this section; 22996

(5) A reading curriculum during regular school hours that 22997
does all of the following: 22998

(a) Assists students to read at grade level; 22999

(b) Provides scientifically based and reliable assessment; 23000

(c) Provides initial and ongoing analysis of each student's 23001
reading progress. 23002

(6) A statement that if the student does not attain at least 23003
the equivalent level of achievement designated under division 23004

(A)(3) of section 3301.0710 of the Revised Code on the assessment 23005
prescribed under that section to measure skill in English language 23006
arts expected by the end of third grade, the student may be 23007
retained in third grade. 23008

Each student with a reading improvement and monitoring plan 23009
under this division who enters third grade after July 1, 2013, 23010
shall be assigned to a teacher who satisfies one or more of the 23011
criteria set forth in division (H) of this section. 23012

The district shall report any information requested by the 23013
department about the reading improvement monitoring plans 23014
developed under this division in the manner required by the 23015
department. 23016

(D) Each school district shall report annually to the 23017
department on its implementation and compliance with this section 23018
using guidelines prescribed by the superintendent of public 23019
instruction. The superintendent of public instruction annually 23020
shall report to the governor and general assembly the number and 23021
percentage of students in grades kindergarten through four reading 23022
below grade level based on the diagnostic assessments administered 23023
under division (B) of this section and the achievement assessments 23024
administered under divisions (A)(1)(a) and (b) of section 23025
3301.0710 of the Revised Code in English language arts, aggregated 23026
by school district and building; the types of intervention 23027
services provided to students; and, if available, an evaluation of 23028
the efficacy of the intervention services provided. 23029

(E) Any summer remediation services funded in whole or in 23030
part by the state and offered by school districts to students 23031
under this section shall meet the following conditions: 23032

(1) The remediation methods are based on reliable educational 23033
research. 23034

(2) The school districts conduct assessment before and after 23035

students participate in the program to facilitate monitoring 23036
results of the remediation services. 23037

(3) The parents of participating students are involved in 23038
programming decisions. 23039

(F) Any intervention or remediation services required by this 23040
section shall include intensive, explicit, and systematic 23041
instruction. 23042

(G) This section does not create a new cause of action or a 23043
substantive legal right for any person. 23044

(H)(1) Except as provided under divisions (H)(2), (3), and 23045
(4) of this section, each student described in division (B)(3) or 23046
(C) of this section who enters third grade for the first time on 23047
or after July 1, 2013, shall be assigned a teacher who has at 23048
least one year of teaching experience and who satisfies one or 23049
more of the following criteria: 23050

(a) The teacher holds a reading endorsement on the teacher's 23051
license and has attained a passing score on the corresponding 23052
assessment for that endorsement, as applicable. 23053

(b) The teacher has completed a master's degree program with 23054
a major in reading. 23055

(c) The teacher was rated "most effective" for reading 23056
instruction consecutively for the most recent two years based on 23057
assessments of student growth measures developed by a vendor and 23058
that is on the list of student assessments approved by the state 23059
board under division (B)(2) of section 3319.112 of the Revised 23060
Code. 23061

(d) The teacher was rated "above expected value added," in 23062
reading instruction, as determined by criteria established by the 23063
department, for the most recent, consecutive two years. 23064

(e) The teacher has earned a passing score on a rigorous test 23065

of principles of scientifically research-based reading instruction 23066
as approved by the state board. 23067

(f) The teacher holds an educator license for teaching grades 23068
pre-kindergarten through three or four through nine issued on or 23069
after July 1, 2017. 23070

(2) Notwithstanding division (H)(1) of this section, a 23071
student described in division (B)(3) or (C) of this section who 23072
enters third grade for the first time on or after July 1, 2013, 23073
may be assigned to a teacher with less than one year of teaching 23074
experience provided that the teacher meets one or more of the 23075
criteria described in divisions (H)(1)(a) to (f) of this section 23076
and that teacher is assigned a teacher mentor who meets the 23077
qualifications of division (H)(1) of this section. 23078

(3) Notwithstanding division (H)(1) of this section, a 23079
student described in division (B)(3) or (C) of this section who 23080
enters third grade for the first time on or after July 1, 2013, 23081
but prior to July 1, 2016, may be assigned to a teacher who holds 23082
an alternative credential approved by the department or who has 23083
successfully completed training that is based on principles of 23084
scientifically research-based reading instruction that has been 23085
approved by the department. Beginning on July 1, 2014, the 23086
alternative credentials and training described in division (H)(3) 23087
of this section shall be aligned with the reading competencies 23088
adopted by the state board of education under section 3301.077 of 23089
the Revised Code. 23090

(4) Notwithstanding division (H)(1) of this section, a 23091
student described in division (B)(3) or (C) of this section who 23092
enters third grade for the first time on or after July 1, 2013, 23093
may receive reading intervention or remediation services under 23094
this section from an individual employed as a speech-language 23095
pathologist who holds a license issued by the state speech and 23096
hearing professionals board under Chapter 4753. of the Revised 23097

Code and a professional pupil services license as a school 23098
speech-language pathologist issued by the state board of 23099
education. 23100

(5) A teacher, other than a student's teacher of record, may 23101
provide any services required under this section, so long as that 23102
other teacher meets the requirements of division (H) of this 23103
section and the teacher of record and the school principal agree 23104
to the assignment. Any such assignment shall be documented in the 23105
student's reading improvement and monitoring plan. 23106

As used in this division, "teacher of record" means the 23107
classroom teacher to whom a student is assigned. 23108

(I) Notwithstanding division (H) of this section, a teacher 23109
may teach reading to any student who is an English language 23110
learner, and has been in the United States for three years or 23111
less, or to a student who has an individualized education program 23112
developed under Chapter 3323. of the Revised Code if that teacher 23113
holds an alternative credential approved by the department or has 23114
successfully completed training that is based on principles of 23115
scientifically research-based reading instruction that has been 23116
approved by the department. Beginning on July 1, 2014, the 23117
alternative credentials and training described in this division 23118
shall be aligned with the reading competencies adopted by the 23119
state board of education under section 3301.077 of the Revised 23120
Code. 23121

(J) If, on or after June 4, 2013, a school district or 23122
community school cannot furnish the number of teachers needed who 23123
satisfy one or more of the criteria set forth in division (H) of 23124
this section for the 2013-2014 school year, the school district or 23125
community school shall develop and submit a staffing plan by June 23126
30, 2013. The staffing plan shall include criteria that will be 23127
used to assign a student described in division (B)(3) or (C) of 23128
this section to a teacher, credentials or training held by 23129

teachers currently teaching at the school, and how the school 23130
district or community school will meet the requirements of this 23131
section. The school district or community school shall post the 23132
staffing plan on its web site for the applicable school year. 23133

Not later than March 1, 2014, and on the first day of March 23134
in each year thereafter, a school district or community school 23135
that has submitted a plan under this division shall submit to the 23136
department a detailed report of the progress the district or 23137
school has made in meeting the requirements under this section. 23138

A school district or community school may request an 23139
extension of a staffing plan beyond the 2013-2014 school year. 23140
Extension requests must be submitted to the department not later 23141
than the thirtieth day of April prior to the start of the 23142
applicable school year. The department may grant extensions valid 23143
through the 2015-2016 school year. 23144

Until June 30, 2015, the department annually shall review all 23145
staffing plans and report to the state board not later than the 23146
thirtieth day of June of each year the progress of school 23147
districts and community schools in meeting the requirements of 23148
this section. 23149

(K) The department of education shall designate one or more 23150
staff members to provide guidance and assistance to school 23151
districts and community schools in implementing the third grade 23152
guarantee established by this section, including any standards or 23153
requirements adopted to implement the guarantee and to provide 23154
information and support for reading instruction and achievement. 23155

Sec. 3313.6013. (A) As used in this section, "advanced 23156
standing program" means a program that enables a student to earn 23157
credit toward a degree from an institution of higher education 23158
while enrolled in high school or that enables a student to 23159
complete coursework while enrolled in high school that may earn 23160

credit toward a degree from an institution of higher education 23161
upon the student's attainment of a specified score on an 23162
examination covering the coursework. Advanced standing programs 23163
may include any of the following: 23164

(1) The college credit plus program established under Chapter 23165
3365. of the Revised Code; 23166

(2) Advanced placement courses; 23167

(3) International baccalaureate diploma courses; 23168

(4) Early college high school programs. 23169

(B) Each city, local, exempted village, and joint vocational 23170
school district and each chartered nonpublic high school shall 23171
provide students enrolled in grades nine through twelve with the 23172
opportunity to participate in an advanced standing program. For 23173
this purpose, each school district and chartered nonpublic high 23174
school shall offer at least one advanced standing program in 23175
accordance with division (B)(1) or (2) of this section, as 23176
applicable. 23177

(1) A city, local, or exempted village school district meets 23178
the requirements of this division through its mandatory 23179
participation in the college credit plus program established under 23180
Chapter 3365. of the Revised Code. However, a city, local, or 23181
exempted village school district may offer any other advanced 23182
standing program, in addition to the college credit plus program, 23183
and each joint vocational school district shall offer at least one 23184
other advanced standing program, to students in good standing, as 23185
defined by the partnership for continued learning under section 23186
3301.42 of the Revised Code as it existed prior to October 16, 23187
2009, or as subsequently defined by the department of education. 23188

(2) A chartered nonpublic high school that elects to 23189
participate in the college credit plus program established under 23190

Chapter 3365. of the Revised Code meets the requirements of this 23191
division. Each chartered nonpublic high school that elects not to 23192
participate in the college credit plus program instead shall offer 23193
at least one other advanced standing program to students in good 23194
standing, as defined by the partnership for continued learning 23195
under section 3301.42 of the Revised Code as it existed prior to 23196
October 16, 2009, or as subsequently defined by the department of 23197
education. 23198

(C) Each school district and each chartered nonpublic high 23199
school, at least annually, shall provide information about the 23200
advanced standing programs offered by the district or school to 23201
all students enrolled in grades six through eleven. The district 23202
or school shall include information about all of the following: 23203

(1) The process colleges and universities use in awarding 23204
credit for advanced placement and international baccalaureate 23205
courses and examinations, including minimum scores required by 23206
state institutions of higher education, as defined in section 23207
3345.011 of the Revised Code, for a student to receive college 23208
credit; 23209

(2) The availability of tuition and fee waivers for advanced 23210
placement and international baccalaureate courses and 23211
examinations; 23212

(3) The availability of online advanced placement or 23213
international baccalaureate courses, including those that may be 23214
available at no cost; 23215

(4) The benefits of earning postsecondary credit through 23216
advanced placement or international baccalaureate courses; 23217

(5) The availability of advanced placement or international 23218
baccalaureate courses offered throughout the district. 23219

The district or school may include additional information as 23220
determined appropriate by the district or school. 23221

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination.

(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F)(2) of this section and is approved by the superintendent of public instruction and the chancellor of higher education.

The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described under this section.

(F) As used in this section:

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F)(2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of

higher education in the partnership as part of an organized course 23253
of study toward a post-secondary degree or credential at no cost 23254
to the participant or participant's family. The program also shall 23255
prioritize the following students: 23256

(a) Students who are underrepresented in regard to completing 23257
post-secondary education; 23258

(b) Students who are economically disadvantaged, as defined 23259
by the department of education; 23260

(c) Students whose parents did not earn a college degree. 23261

Sec. 3313.6026. (A) As used in this section, "school 23262
governing authority" means any of the following: 23263

(1) The governing authority of a community school established 23264
under Chapter 3314. of the Revised Code; 23265

(2) The governing body of a STEM school established under 23266
Chapter 3326. of the Revised Code; 23267

(3) The board of trustees of a college-preparatory boarding 23268
school established under Chapter 3328. of the Revised Code; 23269

(4) The governing authority of a chartered nonpublic school. 23270

(B) Each school district board of education and each school 23271
governing authority that operates a high school shall enter into a 23272
data sharing agreement with the chancellor of higher education for 23273
the purposes of operating the free application for federal student 23274
aid data system established under section 3333.301 of the Revised 23275
Code. Each school district or school shall provide principals and 23276
school counselors with access to the data system to assist with 23277
efforts to support and encourage students to complete the free 23278
application for federal student aid form. 23279

Sec. 3313.61. (A) A diploma shall be granted by the board of 23280
education of any city, exempted village, or local school district 23281

that operates a high school to any person to whom all of the 23282
following apply: 23283

(1) The person has successfully completed the curriculum in 23284
any high school or the individualized education program developed 23285
for the person by any high school pursuant to section 3323.08 of 23286
the Revised Code, or has qualified under division (D) or (F) of 23287
section 3313.603 of the Revised Code, provided that no school 23288
district shall require a student to remain in school for any 23289
specific number of semesters or other terms if the student 23290
completes the required curriculum early; 23291

(2) Subject to section 3313.614 of the Revised Code, the 23292
person has met the assessment requirements of division (A)(2)(a) 23293
or (b) of this section, as applicable. 23294

(a) If the person entered the ninth grade prior to July 1, 23295
2014, the person either: 23296

(i) Has attained at least the applicable scores designated 23297
under division (B)(1) of section 3301.0710 of the Revised Code on 23298
all the assessments required by that division unless the person 23299
was excused from taking any such assessment pursuant to section 23300
3313.532 of the Revised Code or unless division (H) or (L) of this 23301
section applies to the person; 23302

(ii) Has satisfied the alternative conditions prescribed in 23303
section 3313.615 of the Revised Code. 23304

(b) If the person entered the ninth grade on or after July 1, 23305
2014, the person has met the requirement prescribed by section 23306
3313.618 of the Revised Code, except to the extent that the person 23307
is excused from an assessment prescribed by that section pursuant 23308
to section 3313.532 of the Revised Code or division (H) or (L) of 23309
this section. 23310

(3) The person is not eligible to receive an honors diploma 23311
granted pursuant to division (B) of this section. 23312

Except as provided in divisions (C), (E), (J), and (L) of 23313
this section, no diploma shall be granted under this division to 23314
anyone except as provided under this division. 23315

(B) In lieu of a diploma granted under division (A) of this 23316
section, an honors diploma shall be granted, in accordance with 23317
rules of the state board, by any such district board to anyone who 23318
accomplishes all of the following: 23319

(1) Successfully completes the curriculum in any high school 23320
or the individualized education program developed for the person 23321
by any high school pursuant to section 3323.08 of the Revised 23322
Code; 23323

(2) Subject to section 3313.614 of the Revised Code, has met 23324
the assessment requirements of division (B)(2)(a) or (b) of this 23325
section, as applicable. 23326

(a) If the person entered the ninth grade prior to July 1, 23327
2014, the person either: 23328

(i) Has attained at least the applicable scores designated 23329
under division (B)(1) of section 3301.0710 of the Revised Code on 23330
all the assessments required by that division; 23331

(ii) Has satisfied the alternative conditions prescribed in 23332
section 3313.615 of the Revised Code. 23333

(b) If the person entered the ninth grade on or after July 1, 23334
2014, the person has met the requirement prescribed under section 23335
3313.618 of the Revised Code. 23336

(3) Has met additional criteria established by the state 23337
board for the granting of such a diploma. 23338

An honors diploma shall not be granted to a student who is 23339
subject to the requirements prescribed in division (C) of section 23340
3313.603 of the Revised Code but elects the option of division (D) 23341
or (F) of that section. Except as provided in divisions (C), (E), 23342

and (J) of this section, no honors diploma shall be granted to 23343
anyone failing to comply with this division and no more than one 23344
honors diploma shall be granted to any student under this 23345
division. 23346

The state board shall adopt rules prescribing the granting of 23347
honors diplomas under this division. These rules may prescribe the 23348
granting of honors diplomas that recognize a student's achievement 23349
as a whole or that recognize a student's achievement in one or 23350
more specific subjects or both. The rules may prescribe the 23351
granting of an honors diploma recognizing technical expertise for 23352
a career-technical student. In any case, the rules shall designate 23353
two or more criteria for the granting of each type of honors 23354
diploma the board establishes under this division and the number 23355
of such criteria that must be met for the granting of that type of 23356
diploma. The number of such criteria for any type of honors 23357
diploma shall be at least one less than the total number of 23358
criteria designated for that type and no one or more particular 23359
criteria shall be required of all persons who are to be granted 23360
that type of diploma. 23361

(C) Any district board administering any of the assessments 23362
required by section 3301.0710 of the Revised Code to any person 23363
requesting to take such assessment pursuant to division (B)(8)(b) 23364
of section 3301.0711 of the Revised Code shall award a diploma to 23365
such person if the person attains at least the applicable scores 23366
designated under division (B)(1) of section 3301.0710 of the 23367
Revised Code on all the assessments administered and if the person 23368
has previously attained the applicable scores on all the other 23369
assessments required by division (B)(1) of that section or has 23370
been exempted or excused from attaining the applicable score on 23371
any such assessment pursuant to division (H) or (L) of this 23372
section or from taking any such assessment pursuant to section 23373
3313.532 of the Revised Code. 23374

(D) Each diploma awarded under this section shall be signed 23375
by the president and treasurer of the issuing board, the 23376
superintendent of schools, and the principal of the high school. 23377
Each diploma shall bear the date of its issue, be in such form as 23378
the district board prescribes, and be paid for out of the 23379
district's general fund. 23380

(E) A person who is a resident of Ohio and is eligible under 23381
state board of education minimum standards to receive a high 23382
school diploma based in whole or in part on credits earned while 23383
an inmate of a correctional institution operated by the state or 23384
any political subdivision thereof, shall be granted such diploma 23385
by the correctional institution operating the programs in which 23386
such credits were earned, and by the board of education of the 23387
school district in which the inmate resided immediately prior to 23388
the inmate's placement in the institution. The diploma granted by 23389
the correctional institution shall be signed by the director of 23390
the institution, and by the person serving as principal of the 23391
institution's high school and shall bear the date of issue. 23392

(F) Persons who are not residents of Ohio but who are inmates 23393
of correctional institutions operated by the state or any 23394
political subdivision thereof, and who are eligible under state 23395
board of education minimum standards to receive a high school 23396
diploma based in whole or in part on credits earned while an 23397
inmate of the correctional institution, shall be granted a diploma 23398
by the correctional institution offering the program in which the 23399
credits were earned. The diploma granted by the correctional 23400
institution shall be signed by the director of the institution and 23401
by the person serving as principal of the institution's high 23402
school and shall bear the date of issue. 23403

(G) The state board of education shall provide by rule for 23404
the administration of the assessments required by sections 23405
3301.0710 and 3301.0712 of the Revised Code to inmates of 23406

correctional institutions. 23407

(H) Any person to whom all of the following apply shall be 23408
exempted from attaining the applicable score on the assessment in 23409
social studies designated under division (B)(1) of section 23410
3301.0710 of the Revised Code, any American history end-of-course 23411
examination and any American government end-of-course examination 23412
required under division (B) of section 3301.0712 of the Revised 23413
Code if such an exemption is prescribed by rule of the state board 23414
under division (D)(3) of section 3301.0712 of the Revised Code, or 23415
the test in citizenship designated under former division (B) of 23416
section 3301.0710 of the Revised Code as it existed prior to 23417
September 11, 2001: 23418

(1) The person is not a citizen of the United States; 23419

(2) The person is not a permanent resident of the United 23420
States; 23421

(3) The person indicates no intention to reside in the United 23422
States after the completion of high school. 23423

(I) Notwithstanding division (D) of section 3311.19 and 23424
division (D) of section 3311.52 of the Revised Code, this section 23425
and section 3313.611 of the Revised Code do not apply to the board 23426
of education of any joint vocational school district or any 23427
cooperative education school district established pursuant to 23428
divisions (A) to (C) of section 3311.52 of the Revised Code. 23429

(J) Upon receipt of a notice under division (D) of section 23430
3325.08 or division (D) of section 3328.25 of the Revised Code 23431
that a student has received a diploma under either section, the 23432
board of education receiving the notice may grant a high school 23433
diploma under this section to the student, except that such board 23434
shall grant the student a diploma if the student meets the 23435
graduation requirements that the student would otherwise have had 23436
to meet to receive a diploma from the district. The diploma 23437

granted under this section shall be of the same type the notice 23438
indicates the student received under section 3325.08 or 3328.25 of 23439
the Revised Code. 23440

(K) As used in this division, "English learner" has the same 23441
meaning as in division (C)(3) of section 3301.0711 of the Revised 23442
Code. 23443

Notwithstanding division (C)(3) of section 3301.0711 of the 23444
Revised Code, no English learner who has not either attained the 23445
applicable scores designated under division (B)(1) of section 23446
3301.0710 of the Revised Code on all the assessments required by 23447
that division, or met the requirement prescribed by section 23448
3313.618 of the Revised Code, shall be awarded a diploma under 23449
this section. 23450

~~(L)~~(L)(1) Any student described by division (A)(1) of this 23451
section who is subject to divisions (A)(1) to (3) of section 23452
3313.618 of the Revised Code may be awarded a diploma without 23453
meeting the ~~requirement~~requirements prescribed by ~~section 3313.618~~ 23454
~~of the Revised Code~~ those divisions provided an individualized 23455
education program specifically exempts the student from meeting 23456
such requirement. This division does not negate the requirement 23457
for a student to take the assessments prescribed by section 23458
3301.0710 or under division (B) of section 3301.0712 of the 23459
Revised Code, or alternate assessments required by division (C)(1) 23460
of section 3301.0711 of the Revised Code, for the purpose of 23461
assessing student progress as required by federal law. 23462

(2) Any student described by division (A)(1) of this section 23463
who is subject to division (B) of section 3313.618 of the Revised 23464
Code may be awarded a diploma without meeting the requirement 23465
prescribed by division (B)(1) of that section provided the 23466
student's individualized education program specifically exempts 23467
the student from meeting that requirement and either division 23468
(L)(2)(a) or (b) of this section applies to the student, as 23469

follows: 23470

(a)(i) The student took an alternate assessment in 23471
mathematics and English language arts administered to the student 23472
in accordance with division (C)(1) of section 3301.0711 of the 23473
Revised Code and failed to attain a score established by the state 23474
board on one or both assessments. 23475

(ii) The school district offered remedial support to the 23476
student in each subject area in which the student did not attain 23477
the established score and the student received that support. 23478

(iii) The student retook each alternate assessment in which 23479
the student did not attain the established score and the student 23480
did not attain the established score on the retake assessment. 23481

(b)(i) The student took the Algebra I and English language 23482
arts II end-of-course examinations and failed to attain the 23483
competency score as determined under division (B)(10) of section 23484
3301.0712 of the Revised Code on one or both examinations. 23485

(ii) The school district offered remedial support to the 23486
student in each subject area in which the student did not attain 23487
the competency score and the student received that support. 23488

(iii) The student retook each examination in which the 23489
student did not attain the competency score and the student did 23490
not attain the competency score on the retake examination. 23491

Sec. 3313.618. (A) In addition to the curriculum requirements 23492
specified by the board of education of a school district or 23493
governing authority of a chartered nonpublic school, each student 23494
entering ninth grade for the first time on or after July 1, 2014, 23495
but prior to July 1, 2019, shall satisfy at least one of the 23496
following conditions or the conditions prescribed under division 23497
(B) of this section in order to qualify for a high school diploma: 23498
23499

(1) Be remediation-free, in accordance with standards adopted 23500
under division (F) of section 3345.061 of the Revised Code, on 23501
each of the nationally standardized assessments in English, 23502
mathematics, and reading; 23503

(2) Attain a score specified under division (B)(5)(c) of 23504
section 3301.0712 of the Revised Code on the end-of-course 23505
examinations prescribed under division (B) of section 3301.0712 of 23506
the Revised Code. 23507

(3) Attain a score that demonstrates workforce readiness and 23508
employability on a nationally recognized job skills assessment 23509
selected by the state board of education under division (G) of 23510
section 3301.0712 of the Revised Code and obtain either an 23511
industry-recognized credential or a license issued by a state 23512
agency or board for practice in a vocation that requires an 23513
examination for issuance of that license. 23514

For the purposes of this division, the industry-recognized 23515
credentials and licenses shall be as approved under section 23516
3313.6113 of the Revised Code. 23517

A student may choose to qualify for a high school diploma by 23518
satisfying any of the separate requirements prescribed by 23519
divisions (A)(1) to (3) of this section. If the student's school 23520
district or school does not administer the examination prescribed 23521
by one of those divisions that the student chooses to take to 23522
satisfy the requirements of this section, the school district or 23523
school may require that student to arrange for the applicable 23524
scores to be sent directly to the district or school by the 23525
company or organization that administers the examination. 23526

(B) In addition to the curriculum requirements specified by 23527
the district board or school governing authority, each student 23528
entering ninth grade for the first time on or after July 1, 2019, 23529
shall satisfy the following conditions in order to qualify for a 23530

high school diploma: 23531

(1) ~~Attain~~ Except as otherwise provided in division (D) of 23532
this section, attain a competency score as determined under 23533
division (B)(10) of section 3301.0712 of the Revised Code on each 23534
of the Algebra I and English language arts II end-of-course 23535
examinations prescribed under division (B)(2) of section 3301.0712 23536
of the Revised Code. 23537

School districts and chartered nonpublic schools shall offer 23538
remedial support to any student who fails to attain a competency 23539
score on one or both of the Algebra I and English language arts II 23540
end-of-course examinations. 23541

Following the first administration of the exam, if a student 23542
fails to attain a competency score on one or both of the Algebra I 23543
and English language arts II end-of-course examinations that 23544
student must retake the respective examination at least once. 23545

If a student fails to attain a competency score on a retake 23546
examination, the student may demonstrate competency in the failed 23547
subject area through one of the following options: 23548

(a) Earn course credit taken through the college credit plus 23549
program established under Chapter 3365. of the Revised Code in the 23550
failed subject area; 23551

(b) Complete two of the following options, one of which must 23552
be foundational: 23553

(i) Foundational options to demonstrate competency, which 23554
include earning a cumulative score of proficient or higher on 23555
three or more state technical assessments aligned with section 23556
3313.903 of the Revised Code in a single career pathway, obtaining 23557
an industry-recognized credential, or group of credentials, 23558
approved under section 3313.6113 of the Revised Code that is at 23559
least equal to the total number of points established under that 23560
section to qualify for a high school diploma, obtaining a license 23561

approved under section 3313.6113 of the Revised Code that is 23562
issued by a state agency or board for practice in a vocation that 23563
requires an examination for issuance of that license, completing a 23564
pre-apprenticeship ~~or~~ aligned with options established under 23565
section 3313.904 of the Revised Code in the student's chosen 23566
career field, completing an apprenticeship registered with the 23567
apprenticeship council established under section 4139.02 of the 23568
Revised Code in the student's chosen career field, or providing 23569
evidence of acceptance into an apprenticeship program after high 23570
school that is restricted to participants eighteen years of age or 23571
older; 23572

(ii) Supporting options to demonstrate competency, which 23573
include completing two hundred fifty hours of a work-based 23574
learning experience with evidence of positive evaluations, 23575
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 23576
of the Revised Code, or attaining a workforce readiness score, as 23577
determined by the department of education, on the nationally 23578
recognized job skills assessment selected by the state board under 23579
division (G) of section 3301.0712 of the Revised Code. 23580

(c) Provide evidence that the student has enlisted in a 23581
branch of the armed services of the United States as defined in 23582
section 5910.01 of the Revised Code. 23583

(d) Be remediation-free, in accordance with standards adopted 23584
under division (F) of section 3345.061 of the Revised Code, in the 23585
failed subject area on a nationally standardized assessment 23586
prescribed under division (B)(1) of section 3301.0712 of the 23587
Revised Code. For English language arts II, a student must be 23588
remediation-free in the subjects of English and reading on the 23589
nationally standardized assessment. 23590

~~For~~ Subject to division (L)(2) of section 3313.61 of the 23591
Revised Code, for any students receiving special education and 23592
related services under Chapter 3323. of the Revised Code, the 23593

individualized education program developed for the student under 23594
that chapter shall specify the manner in which the student will 23595
participate in the assessments administered under this division or 23596
an alternate assessment in accordance with division (C)(1) of 23597
section 3301.0711 of the Revised Code. 23598

(2) Earn at least two of the state diploma seals prescribed 23599
under division (A) of section 3313.6114 of the Revised Code, at 23600
least one of which shall be any of the following: 23601

(a) The state seal of biliteracy established under section 23602
3313.6111 of the Revised Code; 23603

(b) The OhioMeansJobs-readiness seal established under 23604
section 3313.6112 of the Revised Code; 23605

(c) One of the state diploma seals established under 23606
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 23607

(C) A student who transfers into an Ohio public or chartered 23608
nonpublic high school from another state or enrolls in such a high 23609
school after receiving home instruction or attending a 23610
nonchartered, nontax-supported school in the previous school year 23611
shall meet the requirements of division (B) of this section in 23612
order to qualify for a high school diploma under that division. 23613
However, any such student who transfers or enrolls after the start 23614
of the student's twelfth grade year and fails to attain a 23615
competency score on the Algebra I or English language arts II 23616
end-of-course examination shall not be required to retake the 23617
applicable examination prior to demonstrating competency in the 23618
failed subject area under the options prescribed in divisions 23619
(B)(1)(a) to (d) of this section. 23620

(D) A chartered nonpublic school student subject to division 23621
(L)(3)(a)(ii) of section 3301.0711 of the Revised Code shall be 23622
considered to have demonstrated competency for the purposes of 23623
division (B)(1) of this section if the student earns a 23624

remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination under this section.

(E) The state board of education shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the state board or the superintendent of public instruction shall not create any endorsement or designation that may be affiliated with a high school diploma.

Sec. 3313.619. (A) In lieu of the ~~requirement~~ assessment requirements prescribed by division (A) of section 3313.618 of the Revised Code or the requirements to demonstrate competency and earn diploma seals prescribed by division (B) of that section, a chartered nonpublic school may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the department shall approve assessments that meet the conditions specified under division (C) of this section and shall designate passing scores for each of those assessments.

(C) Each assessment approved under division (B) of this section shall be nationally norm-referenced, have internal consistency reliability coefficients of at least "0.8," be standardized, have specific evidence of content, concurrent, or criterion validity, have evidence of norming studies in the

previous ten years, have a measure of student achievement in core 23656
academic areas, and have high validity evidenced by the alignment 23657
of the assessment with nationally recognized content. 23658

(D) Nothing in this section shall prohibit a chartered 23659
nonpublic school from granting a high school diploma to a student 23660
if the student satisfies the ~~requirement~~ applicable requirements 23661
prescribed by section 3313.618 of the Revised Code. 23662

Sec. 3313.6113. (A) The superintendent of public instruction, 23663
in collaboration with the governor's office of workforce 23664
transformation and representatives of business organizations, 23665
shall establish a committee to develop a list of 23666
industry-recognized credentials and licenses that may be used to 23667
qualify for a high school diploma under ~~division (A)(3)~~ of section 23668
3313.618 of the Revised Code and shall be used for state report 23669
card purposes under section 3302.03 of the Revised Code. The state 23670
superintendent shall appoint the members of the committee not 23671
later than January 1, 2018. 23672

(B) The committee shall do the following: 23673

(1) Establish criteria for acceptable industry-recognized 23674
credentials and licenses aligned with the in-demand jobs list 23675
published by the department of job and family services; 23676

(2) Review the list of industry-recognized credentials and 23677
licenses that was in existence on January 1, 2018, and update the 23678
list as it considers necessary; 23679

(3) Review and update the list of industry-recognized 23680
credentials and licenses at least biennially; 23681

(4) Assign a point value for each industry-recognized 23682
credential and establish the total number of points for 23683
industry-recognized credentials that a student must earn to 23684
qualify for a high school diploma under sections 3313.618 and 23685

3313.6114 of the Revised Code. 23686

(C) For the purposes of calculating the percentage of 23687
students prescribed under divisions (B)(2)(d) and (C)(2)(e) of 23688
section 3302.03 of the Revised Code, the department of education 23689
shall include only those students who earn an industry-recognized 23690
credential, or group of credentials, at least equal to the total 23691
number of points established by the committee under this section 23692
to qualify for a high school diploma. 23693

Sec. 3313.6114. (A) The state board of education shall 23694
establish a system of state diploma seals for the purposes of 23695
allowing a student to qualify for graduation under section 23696
3313.618 of the Revised Code. State diploma seals may be attached 23697
or affixed to the high school diploma of a student enrolled in a 23698
public or chartered nonpublic school. The system of state diploma 23699
seals shall consist of all of the following: 23700

(1) The state seal of biliteracy established under section 23701
3313.6111 of the Revised Code; 23702

(2) The OhioMeansJobs-readiness seal established under 23703
section 3313.6112 of the Revised Code; 23704

(3) The state diploma seals prescribed under division (C) of 23705
this section. 23706

(B) A school district, community school established under 23707
Chapter 3314. of the Revised Code, STEM school established under 23708
Chapter 3326. of the Revised Code, college-preparatory boarding 23709
school established under Chapter 3328. of the Revised Code, or 23710
chartered nonpublic school shall attach or affix the state seals 23711
prescribed under division (C) of this section to the diploma and 23712
transcript of a student enrolled in the district or school who 23713
meets the requirements established under that division. 23714

(C) The state board shall establish all of the following 23715

state diploma seals:	23716
(1) An industry-recognized credential seal. A student shall	23717
meet the requirement for this seal by earning <u>doing either of the</u>	23718
<u>following:</u>	23719
(a) <u>Earning</u> an industry-recognized credential, <u>or group of</u>	23720
<u>credentials</u> , approved under section 3313.6113 of the Revised Code	23721
that is aligned <u>both of the following:</u>	23722
(i) <u>At least equal to the total number of points established</u>	23723
<u>under section 3313.6113 of the Revised Code to qualify for a high</u>	23724
<u>school diploma;</u>	23725
(ii) <u>Aligned</u> to a job that is determined to be in demand in	23726
this state and its regions under section 6301.11 of the Revised	23727
Code.	23728
(b) <u>Obtaining a license approved under section 3313.6113 of</u>	23729
<u>the Revised Code that is issued by a state agency or board for</u>	23730
<u>practice in a vocation that requires an examination for issuance</u>	23731
<u>of that license.</u>	23732
(2) A college-ready seal. A student shall meet the	23733
requirement for this seal by attaining a score that is	23734
remediation-free, in accordance with standards adopted under	23735
division (F) of section 3345.061 of the Revised Code, on a	23736
nationally standardized assessment prescribed under division	23737
(B)(1) of section 3301.0712 of the Revised Code.	23738
(3) A military enlistment seal. A student shall meet the	23739
requirement for this seal by doing either of the following:	23740
(a) Providing evidence that the student has enlisted in a	23741
branch of the armed services of the United States as defined in	23742
section 5910.01 of the Revised Code;	23743
(b) Participating in a junior reserve officer training	23744
program approved by the congress of the United States under title	23745

10 of the United States Code. 23746

(4) A citizenship seal. A student shall meet the requirement 23747
for this seal by doing any of the following: 23748

(a) Demonstrating at least a proficient level of skill as 23749
prescribed under division (B)(5)(a) of section 3301.0712 of the 23750
Revised Code on both the American history and American government 23751
end-of-course examinations prescribed under division (B)(2) of 23752
section 3301.0712 of the Revised Code; 23753

(b) Attaining a score level prescribed under division 23754
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 23755
least the equivalent of a proficient level of skill in appropriate 23756
advanced placement or international baccalaureate examinations in 23757
lieu of the American history and American government end-of-course 23758
examinations; 23759

(c) ~~Attaining~~ In lieu of the American history and American 23760
government end-of-course examinations, attaining a final course 23761
grade that is the equivalent of a "B" or higher in appropriate 23762
either: 23763

(i) An American history course and an American government 23764
course that are offered by the student's high school; 23765

(ii) Appropriate courses taken through the college credit 23766
plus program established under Chapter 3365. of the Revised Code 23767
~~in lieu of the American history and American government~~ 23768
~~end-of-course examinations.~~ 23769

(d) In the case of a student who takes an alternate 23770
assessment in accordance with division (C)(1) of section 3301.0711 23771
of the Revised Code, attaining a score established by the state 23772
board on the alternate assessment in social studies; 23773

(e) In the case of a student who transfers into an Ohio 23774
public or chartered nonpublic high school from another state or 23775

who enrolls in an Ohio public or chartered nonpublic high school 23776
after receiving home instruction or attending a nonchartered, 23777
nontax-supported school in the previous school year, attaining a 23778
final course grade that is the equivalent of a "B" or higher in 23779
courses that correspond with the American history and American 23780
government end-of-course examinations and that the student 23781
completed in the state from which the student transferred or 23782
completed while receiving home instruction or attending a 23783
nonchartered, nontax-supported school. Division (C)(4)(e) of this 23784
section does not apply to any such student with respect to an 23785
American history or American government course for which an 23786
end-of-course examination is associated that the student takes 23787
after enrolling in the high school. 23788

(5) A science seal. A student shall meet the requirement for 23789
this seal by doing any of the following: 23790

(a) Demonstrating at least a proficient level of skill as 23791
prescribed under division (B)(5)(a) of section 3301.0712 of the 23792
Revised Code on the science end-of-course examination prescribed 23793
under division (B)(2) of section 3301.0712 of the Revised Code; 23794

(b) Attaining a score level prescribed under division 23795
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 23796
least the equivalent of a proficient level of skill in an 23797
appropriate advanced placement or international baccalaureate 23798
examination in lieu of the science end-of-course examination; 23799

(c) ~~Attaining~~ In lieu of the science end-of-course 23800
examination, attaining a final course grade that is the equivalent 23801
of a "B" or higher in ~~an~~ either: 23802

(i) A science course listed in divisions (C)(5)(c)(i) to 23803
(iii) of section 3313.603 of the Revised Code that is offered by 23804
the student's high school; 23805

(ii) An appropriate course taken through the college credit 23806

plus program established under Chapter 3365. of the Revised Code 23807
~~in lieu of the science end-of-course examination.~~ 23808

(d) In the case of a student who takes an alternate 23809
assessment in accordance with division (C)(1) of section 3301.0711 23810
of the Revised Code, attaining a score established by the state 23811
board on the alternate assessment in science; 23812

(e) In the case of a student who transfers into an Ohio 23813
public or chartered nonpublic high school from another state or 23814
enrolls in an Ohio public or chartered nonpublic high school after 23815
receiving home instruction or attending a nonchartered, 23816
nontax-supported school in the previous school year, attaining a 23817
final course grade that is the equivalent of a "B" or higher in a 23818
course that corresponds with the science end-of-course examination 23819
and that the student completed in the state from which the student 23820
transferred or completed while receiving home instruction or 23821
attending a nonchartered, nontax-supported school. Division 23822
(C)(5)(e) of this section does not apply to any such student who 23823
takes a science course for which an end-of-course examination is 23824
associated after enrolling in the high school. 23825

(6) An honors diploma seal. A student shall meet the 23826
requirement for this seal by meeting the additional criteria for 23827
an honors diploma under division (B) of section 3313.61 of the 23828
Revised Code. 23829

(7) A technology seal. A student shall meet the requirement 23830
for this seal by doing any of the following: 23831

(a) Subject to division (B)(5)(d) of section 3301.0712 of the 23832
Revised Code, attaining a score level that is at least the 23833
equivalent of a proficient level of skill in an appropriate 23834
advanced placement or international baccalaureate examination; 23835

(b) Attaining a final course grade that is the equivalent of 23836
a "B" or higher in an appropriate course taken through the college 23837

credit plus program established under Chapter 3365. of the Revised Code; 23838
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(c) Completing a course offered through the student's district or school that meets guidelines developed by the department of education. However, a district or school shall not be required to offer a course that meets guidelines developed by the department. 23840
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(d) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in an Ohio public or chartered nonpublic high school after receiving home instruction or attending a nonchartered, nontax-supported school in the previous school year, attaining a final course grade that is the equivalent of a "B" or higher in an appropriate course, as determined by the district or school, that the student completed in the state from which the student transferred or completed while receiving home instruction or attending a nonchartered, nontax-supported school. 23845
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(8) A community service seal. A student shall meet the requirement for this seal by completing a community service project that is aligned with guidelines adopted by the student's district board or school governing authority. 23855
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(9) A fine and performing arts seal. A student shall meet the requirement for this seal by demonstrating skill in the fine or performing arts according to an evaluation that is aligned with guidelines adopted by the student's district board or school governing authority. 23859
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(10) A student engagement seal. A student shall meet the requirement for this seal by participating in extracurricular activities such as athletics, clubs, or student government to a meaningful extent, as determined by guidelines adopted by the student's district board or school governing authority. 23864
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~~(D)~~(D)(1) Each district or school shall develop guidelines 23869
for at least one of the state seals prescribed under divisions 23870
(C)(8) to (10) of this section. 23871

(2) For the purposes of determining whether a student who 23872
transfers to a district or school has satisfied the state diploma 23873
seal requirement under division (B)(2) of section 3313.618 of the 23874
Revised Code, each district or school shall recognize a state 23875
diploma seal prescribed under divisions (C)(8) to (10) of this 23876
section and earned by a student at another district or a different 23877
public or chartered nonpublic school regardless of whether the 23878
district or school to which the student transfers has developed 23879
guidelines under this section for that state seal. 23880

(3) In guidelines developed for a state diploma seal 23881
prescribed under divisions (C)(8) to (10) of this section, each 23882
district or school shall include a method to give, to the extent 23883
feasible, a student who transfers into the district or school a 23884
proportional amount of credit for any progress the student was 23885
making toward earning that state seal at the school district or 23886
different public or chartered nonpublic school from which the 23887
student transfers. 23888

(E) Each district or school shall maintain appropriate 23889
records to identify students who have met the requirements 23890
prescribed under division (C) of this section for earning the 23891
state seals established under that division. 23892

(F) The department shall prepare and deliver to each district 23893
or school an appropriate mechanism for assigning a state diploma 23894
seal established under division (C) of this section. 23895

(G) A student shall not be charged a fee to be assigned a 23896
state seal prescribed under division (C) of this section on the 23897
student's diploma and transcript. 23898

Sec. 3313.64. (A) As used in this section and in section 23899
3313.65 of the Revised Code: 23900

(1)(a) Except as provided in division (A)(1)(b) of this 23901
section, "parent" means either parent, unless the parents are 23902
separated or divorced or their marriage has been dissolved or 23903
annulled, in which case "parent" means the parent who is the 23904
residential parent and legal custodian of the child. When a child 23905
is in the legal custody of a government agency or a person other 23906
than the child's natural or adoptive parent, "parent" means the 23907
parent with residual parental rights, privileges, and 23908
responsibilities. When a child is in the permanent custody of a 23909
government agency or a person other than the child's natural or 23910
adoptive parent, "parent" means the parent who was divested of 23911
parental rights and responsibilities for the care of the child and 23912
the right to have the child live with the parent and be the legal 23913
custodian of the child and all residual parental rights, 23914
privileges, and responsibilities. 23915

(b) When a child is the subject of a power of attorney 23916
executed under sections 3109.51 to 3109.62 of the Revised Code, 23917
"parent" means the grandparent designated as attorney in fact 23918
under the power of attorney. When a child is the subject of a 23919
caretaker authorization affidavit executed under sections 3109.64 23920
to 3109.73 of the Revised Code, "parent" means the grandparent 23921
that executed the affidavit. 23922

(2) "Legal custody," "permanent custody," and "residual 23923
parental rights, privileges, and responsibilities" have the same 23924
meanings as in section 2151.011 of the Revised Code. 23925

(3) "School district" or "district" means a city, local, or 23926
exempted village school district and excludes any school operated 23927
in an institution maintained by the department of youth services. 23928

(4) Except as used in division (C)(2) of this section, "home" 23929

means a home, institution, foster home, group home, or other	23930
residential facility in this state that receives and cares for	23931
children, to which any of the following applies:	23932
(a) The home is licensed, certified, or approved for such	23933
purpose by the state or is maintained by the department of youth	23934
services.	23935
(b) The home is operated by a person who is licensed,	23936
certified, or approved by the state to operate the home for such	23937
purpose.	23938
(c) The home accepted the child through a placement by a	23939
person licensed, certified, or approved to place a child in such a	23940
home by the state.	23941
(d) The home is a children's home created under section	23942
5153.21 or 5153.36 of the Revised Code.	23943
(5) "Agency" means all of the following:	23944
(a) A public children services agency;	23945
(b) An organization that holds a certificate issued by the	23946
Ohio department of job and family services in accordance with the	23947
requirements of section 5103.03 of the Revised Code and assumes	23948
temporary or permanent custody of children through commitment,	23949
agreement, or surrender, and places children in family homes for	23950
the purpose of adoption;	23951
(c) Comparable agencies of other states or countries that	23952
have complied with applicable requirements of section 2151.39 of	23953
the Revised Code or as applicable, sections 5103.20 to 5103.22 or	23954
5103.23 to 5103.237 of the Revised Code.	23955
(6) A child is placed for adoption if either of the following	23956
occurs:	23957
(a) An agency to which the child has been permanently	23958
committed or surrendered enters into an agreement with a person	23959

pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 23960
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(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 23962
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(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code. 23965
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(8) "Child," unless otherwise indicated, includes preschool children with disabilities. 23967
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(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code. 23969
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(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division. 23973
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(1) A child shall be admitted to the schools of the school district in which the child's parent resides. 23978
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(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies: 23980
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(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent. 23985
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(b) The child resides in a home. 23988

(c) The child requires special education. 23989

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency

or person other than the child's parent, tuition shall be paid by: 24021

(a) The district in which the child's parent resided at the 24022
time the court removed the child from home or at the time the 24023
court vested legal or permanent custody of the child in the person 24024
or government agency, whichever occurred first; 24025

(b) If the parent's residence at the time the court removed 24026
the child from home or placed the child in the legal or permanent 24027
custody of the person or government agency is unknown, tuition 24028
shall be paid by the district in which the child resided at the 24029
time the child was removed from home or placed in legal or 24030
permanent custody, whichever occurred first; 24031

(c) If a school district cannot be established under division 24032
(C)(2)(a) or (b) of this section, tuition shall be paid by the 24033
district determined as required by section 2151.362 of the Revised 24034
Code by the court at the time it vests custody of the child in the 24035
person or government agency; 24036

(d) If at the time the court removed the child from home or 24037
vested legal or permanent custody of the child in the person or 24038
government agency, whichever occurred first, one parent was in a 24039
residential or correctional facility or a juvenile residential 24040
placement and the other parent, if living and not in such a 24041
facility or placement, was not known to reside in this state, 24042
tuition shall be paid by the district determined under division 24043
(D) of section 3313.65 of the Revised Code as the district 24044
required to pay any tuition while the parent was in such facility 24045
or placement; 24046

(e) If the department of education has determined, pursuant 24047
to division (A)(2) of section 2151.362 of the Revised Code, that a 24048
school district other than the one named in the court's initial 24049
order, or in a prior determination of the department, is 24050
responsible to bear the cost of educating the child, the district 24051

so determined shall be responsible for that cost. 24052

(3) If the child is not in the permanent or legal custody of 24053
a government agency or person other than the child's parent and 24054
the child resides in a home, tuition shall be paid by one of the 24055
following: 24056

(a) The school district in which the child's parent resides; 24057

(b) If the child's parent is not a resident of this state, 24058
the home in which the child resides. 24059

(4) Division (C)(4) of this section applies to any child who 24060
is admitted to a school district under division (B)(2) of this 24061
section, resides in a home that is not a foster home, a home 24062
maintained by the department of youth services, a detention 24063
facility established under section 2152.41 of the Revised Code, or 24064
a juvenile facility established under section 2151.65 of the 24065
Revised Code, and receives educational services at the home or 24066
facility in which the child resides pursuant to a contract between 24067
the home or facility and the school district providing those 24068
services. 24069

If a child to whom division (C)(4) of this section applies is 24070
a special education student, a district may choose whether to 24071
receive a tuition payment for that child under division (C)(4) of 24072
this section or to receive a payment for that child under section 24073
3323.14 of the Revised Code. If a district chooses to receive a 24074
payment for that child under section 3323.14 of the Revised Code, 24075
it shall not receive a tuition payment for that child under 24076
division (C)(4) of this section. 24077

If a child to whom division (C)(4) of this section applies is 24078
not a special education student, a district shall receive a 24079
tuition payment for that child under division (C)(4) of this 24080
section. 24081

In the case of a child to which division (C)(4) of this 24082

section applies, the total educational cost to be paid for the 24083
child shall be determined by a formula approved by the department 24084
of education, which formula shall be designed to calculate a per 24085
diem cost for the educational services provided to the child for 24086
each day the child is served and shall reflect the total actual 24087
cost incurred in providing those services. The department shall 24088
certify the total educational cost to be paid for the child to 24089
both the school district providing the educational services and, 24090
if different, the school district that is responsible to pay 24091
tuition for the child. The department shall deduct the certified 24092
amount from the state basic aid funds payable under Chapter 3317. 24093
of the Revised Code to the district responsible to pay tuition and 24094
shall pay that amount to the district providing the educational 24095
services to the child. 24096

(D) Tuition required to be paid under divisions (C)(2) and 24097
(3)(a) of this section shall be computed in accordance with 24098
section 3317.08 of the Revised Code. Tuition required to be paid 24099
under division (C)(3)(b) of this section shall be computed in 24100
accordance with section 3317.081 of the Revised Code. If a home 24101
fails to pay the tuition required by division (C)(3)(b) of this 24102
section, the board of education providing the education may 24103
recover in a civil action the tuition and the expenses incurred in 24104
prosecuting the action, including court costs and reasonable 24105
attorney's fees. If the prosecuting attorney or city director of 24106
law represents the board in such action, costs and reasonable 24107
attorney's fees awarded by the court, based upon the prosecuting 24108
attorney's, director's, or one of their designee's time spent 24109
preparing and presenting the case, shall be deposited in the 24110
county or city general fund. 24111

(E) A board of education may enroll a child free of any 24112
tuition obligation for a period not to exceed sixty days, on the 24113
sworn statement of an adult resident of the district that the 24114

resident has initiated legal proceedings for custody of the child. 24115

(F) In the case of any individual entitled to attend school 24116
under this division, no tuition shall be charged by the school 24117
district of attendance and no other school district shall be 24118
required to pay tuition for the individual's attendance. 24119
Notwithstanding division (B), (C), or (E) of this section: 24120

(1) All persons at least eighteen but under twenty-two years 24121
of age who live apart from their parents, support themselves by 24122
their own labor, and have not successfully completed the high 24123
school curriculum or the individualized education program 24124
developed for the person by the high school pursuant to section 24125
3323.08 of the Revised Code, are entitled to attend school in the 24126
district in which they reside. 24127

(2) Any child under eighteen years of age who is married is 24128
entitled to attend school in the child's district of residence. 24129

(3) A child is entitled to attend school in the district in 24130
which either of the child's parents is employed if the child has a 24131
medical condition that may require emergency medical attention. 24132
The parent of a child entitled to attend school under division 24133
(F)(3) of this section shall submit to the board of education of 24134
the district in which the parent is employed a statement from the 24135
child's physician certifying that the child's medical condition 24136
may require emergency medical attention. The statement shall be 24137
supported by such other evidence as the board may require. 24138

(4) Any child residing with a person other than the child's 24139
parent is entitled, for a period not to exceed twelve months, to 24140
attend school in the district in which that person resides if the 24141
child's parent files an affidavit with the superintendent of the 24142
district in which the person with whom the child is living resides 24143
stating all of the following: 24144

(a) That the parent is serving outside of the state in the 24145

armed services of the United States; 24146

(b) That the parent intends to reside in the district upon 24147
returning to this state; 24148

(c) The name and address of the person with whom the child is 24149
living while the parent is outside the state. 24150

(5) Any child under the age of twenty-two years who, after 24151
the death of a parent, resides in a school district other than the 24152
district in which the child attended school at the time of the 24153
parent's death is entitled to continue to attend school in the 24154
district in which the child attended school at the time of the 24155
parent's death for the remainder of the school year, subject to 24156
approval of that district board. 24157

(6) A child under the age of twenty-two years who resides 24158
with a parent who is having a new house built in a school district 24159
outside the district where the parent is residing is entitled to 24160
attend school for a period of time in the district where the new 24161
house is being built. In order to be entitled to such attendance, 24162
the parent shall provide the district superintendent with the 24163
following: 24164

(a) A sworn statement explaining the situation, revealing the 24165
location of the house being built, and stating the parent's 24166
intention to reside there upon its completion; 24167

(b) A statement from the builder confirming that a new house 24168
is being built for the parent and that the house is at the 24169
location indicated in the parent's statement. 24170

(7) A child under the age of twenty-two years residing with a 24171
parent who has a contract to purchase a house in a school district 24172
outside the district where the parent is residing and who is 24173
waiting upon the date of closing of the mortgage loan for the 24174
purchase of such house is entitled to attend school for a period 24175
of time in the district where the house is being purchased. In 24176

order to be entitled to such attendance, the parent shall provide 24177
the district superintendent with the following: 24178

(a) A sworn statement explaining the situation, revealing the 24179
location of the house being purchased, and stating the parent's 24180
intent to reside there; 24181

(b) A statement from a real estate broker or bank officer 24182
confirming that the parent has a contract to purchase the house, 24183
that the parent is waiting upon the date of closing of the 24184
mortgage loan, and that the house is at the location indicated in 24185
the parent's statement. 24186

The district superintendent shall establish a period of time 24187
not to exceed ninety days during which the child entitled to 24188
attend school under division (F)(6) or (7) of this section may 24189
attend without tuition obligation. A student attending a school 24190
under division (F)(6) or (7) of this section shall be eligible to 24191
participate in interscholastic athletics under the auspices of 24192
that school, provided the board of education of the school 24193
district where the student's parent resides, by a formal action, 24194
releases the student to participate in interscholastic athletics 24195
at the school where the student is attending, and provided the 24196
student receives any authorization required by a public agency or 24197
private organization of which the school district is a member 24198
exercising authority over interscholastic sports. 24199

(8) A child whose parent is a full-time employee of a city, 24200
local, or exempted village school district, or of an educational 24201
service center, may be admitted to the schools of the district 24202
where the child's parent is employed, or in the case of a child 24203
whose parent is employed by an educational service center, in the 24204
district that serves the location where the parent's job is 24205
primarily located, provided the district board of education 24206
establishes such an admission policy by resolution adopted by a 24207
majority of its members. Any such policy shall take effect on the 24208

first day of the school year and the effective date of any 24209
amendment or repeal may not be prior to the first day of the 24210
subsequent school year. The policy shall be uniformly applied to 24211
all such children and shall provide for the admission of any such 24212
child upon request of the parent. No child may be admitted under 24213
this policy after the first day of classes of any school year. 24214

(9) A child who is with the child's parent under the care of 24215
a shelter for victims of domestic violence, as defined in section 24216
3113.33 of the Revised Code, is entitled to attend school free in 24217
the district in which the child is with the child's parent, and no 24218
other school district shall be required to pay tuition for the 24219
child's attendance in that school district. 24220

The enrollment of a child in a school district under this 24221
division shall not be denied due to a delay in the school 24222
district's receipt of any records required under section 3313.672 24223
of the Revised Code or any other records required for enrollment. 24224
Any days of attendance and any credits earned by a child while 24225
enrolled in a school district under this division shall be 24226
transferred to and accepted by any school district in which the 24227
child subsequently enrolls. The state board of education shall 24228
adopt rules to ensure compliance with this division. 24229

(10) Any child under the age of twenty-two years whose parent 24230
has moved out of the school district after the commencement of 24231
classes in the child's senior year of high school is entitled, 24232
subject to the approval of that district board, to attend school 24233
in the district in which the child attended school at the time of 24234
the parental move for the remainder of the school year and for one 24235
additional semester or equivalent term. A district board may also 24236
adopt a policy specifying extenuating circumstances under which a 24237
student may continue to attend school under division (F)(10) of 24238
this section for an additional period of time in order to 24239
successfully complete the high school curriculum for the 24240

individualized education program developed for the student by the 24241
high school pursuant to section 3323.08 of the Revised Code. 24242

(11) As used in this division, "grandparent" means a parent 24243
of a parent of a child. A child under the age of twenty-two years 24244
who is in the custody of the child's parent, resides with a 24245
grandparent, and does not require special education is entitled to 24246
attend the schools of the district in which the child's 24247
grandparent resides, provided that, prior to such attendance in 24248
any school year, the board of education of the school district in 24249
which the child's grandparent resides and the board of education 24250
of the school district in which the child's parent resides enter 24251
into a written agreement specifying that good cause exists for 24252
such attendance, describing the nature of this good cause, and 24253
consenting to such attendance. 24254

In lieu of a consent form signed by a parent, a board of 24255
education may request the grandparent of a child attending school 24256
in the district in which the grandparent resides pursuant to 24257
division (F)(11) of this section to complete any consent form 24258
required by the district, including any authorization required by 24259
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 24260
Code. Upon request, the grandparent shall complete any consent 24261
form required by the district. A school district shall not incur 24262
any liability solely because of its receipt of a consent form from 24263
a grandparent in lieu of a parent. 24264

Division (F)(11) of this section does not create, and shall 24265
not be construed as creating, a new cause of action or substantive 24266
legal right against a school district, a member of a board of 24267
education, or an employee of a school district. This section does 24268
not affect, and shall not be construed as affecting, any 24269
immunities from defenses to tort liability created or recognized 24270
by Chapter 2744. of the Revised Code for a school district, 24271
member, or employee. 24272

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free,

appropriate public education, including public preschool, to each 24304
homeless child. 24305

When a child loses permanent housing and becomes a homeless 24306
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 24307
such a homeless person changes temporary living arrangements, the 24308
child's parent or guardian shall have the option of enrolling the 24309
child in either of the following: 24310

(a) The child's school of origin, as defined in 42 U.S.C.A. 24311
11432(g)(3)(C); 24312

(b) The school that is operated by the school district in 24313
which the shelter where the child currently resides is located and 24314
that serves the geographic area in which the shelter is located. 24315

(14) A child under the age of twenty-two years who resides 24316
with a person other than the child's parent is entitled to attend 24317
school in the school district in which that person resides if both 24318
of the following apply: 24319

(a) That person has been appointed, through a military power 24320
of attorney executed under section 574(a) of the "National Defense 24321
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 24322
U.S.C. 1044b, or through a comparable document necessary to 24323
complete a family care plan, as the parent's agent for the care, 24324
custody, and control of the child while the parent is on active 24325
duty as a member of the national guard or a reserve unit of the 24326
armed forces of the United States or because the parent is a 24327
member of the armed forces of the United States and is on a duty 24328
assignment away from the parent's residence. 24329

(b) The military power of attorney or comparable document 24330
includes at least the authority to enroll the child in school. 24331

The entitlement to attend school in the district in which the 24332
parent's agent under the military power of attorney or comparable 24333
document resides applies until the end of the school year in which 24334

the military power of attorney or comparable document expires. 24335

(G) A board of education, after approving admission, may 24336
waive tuition for students who will temporarily reside in the 24337
district and who are either of the following: 24338

(1) Residents or domiciliaries of a foreign nation who 24339
request admission as foreign exchange students; 24340

(2) Residents or domiciliaries of the United States but not 24341
of Ohio who request admission as participants in an exchange 24342
program operated by a student exchange organization. 24343

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 24344
3327.04, and 3327.06 of the Revised Code, a child may attend 24345
school or participate in a special education program in a school 24346
district other than in the district where the child is entitled to 24347
attend school under division (B) of this section. 24348

(I)(1) Notwithstanding anything to the contrary in this 24349
section or section 3313.65 of the Revised Code, a child under 24350
twenty-two years of age may attend school in the school district 24351
in which the child, at the end of the first full week of October 24352
of the school year, was entitled to attend school as otherwise 24353
provided under this section or section 3313.65 of the Revised 24354
Code, if at that time the child was enrolled in the schools of the 24355
district but since that time the child or the child's parent has 24356
relocated to a new address located outside of that school district 24357
and within the same county as the child's or parent's address 24358
immediately prior to the relocation. The child may continue to 24359
attend school in the district, and at the school to which the 24360
child was assigned at the end of the first full week of October of 24361
the current school year, for the balance of the school year. 24362
Division (I)(1) of this section applies only if both of the 24363
following conditions are satisfied: 24364

(a) The board of education of the school district in which 24365

the child was entitled to attend school at the end of the first 24366
full week in October and of the district to which the child or 24367
child's parent has relocated each has adopted a policy to enroll 24368
children described in division (I)(1) of this section. 24369

(b) The child's parent provides written notification of the 24370
relocation outside of the school district to the superintendent of 24371
each of the two school districts. 24372

(2) At the beginning of the school year following the school 24373
year in which the child or the child's parent relocated outside of 24374
the school district as described in division (I)(1) of this 24375
section, the child is not entitled to attend school in the school 24376
district under that division. 24377

(3) Any person or entity owing tuition to the school district 24378
on behalf of the child at the end of the first full week in 24379
October, as provided in division (C) of this section, shall 24380
continue to owe such tuition to the district for the child's 24381
attendance under division (I)(1) of this section for the lesser of 24382
the balance of the school year or the balance of the time that the 24383
child attends school in the district under division (I)(1) of this 24384
section. 24385

(4) A pupil who may attend school in the district under 24386
division (I)(1) of this section shall be entitled to 24387
transportation services pursuant to an agreement between the 24388
district and the district in which the child or child's parent has 24389
relocated unless the districts have not entered into such 24390
agreement, in which case the child shall be entitled to 24391
transportation services in the same manner as a pupil attending 24392
school in the district under interdistrict open enrollment as 24393
described in division ~~(H)~~ (E) of section 3313.981 of the Revised 24394
Code, regardless of whether the district has adopted an open 24395
enrollment policy as described in division (B)(1)(b) or (c) of 24396
section 3313.98 of the Revised Code. 24397

(J) This division does not apply to a child receiving special education. 24398
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A school district required to pay tuition pursuant to 24400
division (C)(2) or (3) of this section or section 3313.65 of the 24401
Revised Code shall have an amount deducted under division (C) of 24402
section 3317.023 of the Revised Code equal to its own tuition rate 24403
for the same period of attendance. A school district entitled to 24404
receive tuition pursuant to division (C)(2) or (3) of this section 24405
or section 3313.65 of the Revised Code shall have an amount 24406
credited under division (C) of section 3317.023 of the Revised 24407
Code equal to its own tuition rate for the same period of 24408
attendance. If the tuition rate credited to the district of 24409
attendance exceeds the rate deducted from the district required to 24410
pay tuition, the department of education shall pay the district of 24411
attendance the difference from amounts deducted from all 24412
districts' payments under division (C) of section 3317.023 of the 24413
Revised Code but not credited to other school districts under such 24414
division and from appropriations made for such purpose. The 24415
treasurer of each school district shall, by the fifteenth day of 24416
January and July, furnish the superintendent of public instruction 24417
a report of the names of each child who attended the district's 24418
schools under divisions (C)(2) and (3) of this section or section 24419
3313.65 of the Revised Code during the preceding six calendar 24420
months, the duration of the attendance of those children, the 24421
school district responsible for tuition on behalf of the child, 24422
and any other information that the superintendent requires. 24423

Upon receipt of the report the superintendent, pursuant to 24424
division (C) of section 3317.023 of the Revised Code, shall deduct 24425
each district's tuition obligations under divisions (C)(2) and (3) 24426
of this section or section 3313.65 of the Revised Code and pay to 24427
the district of attendance that amount plus any amount required to 24428
be paid by the state. 24429

(K) In the event of a disagreement, the superintendent of public instruction shall determine the school district in which the parent resides. 24430
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24432

(L) Nothing in this section requires or authorizes, or shall be construed to require or authorize, the admission to a public school in this state of a pupil who has been permanently excluded from public school attendance by the superintendent of public instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 24433
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 24439
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Sec. 3313.902. (A) As used in this section: 24454

(1) "Approved industry credential or certificate" means a credential or certificate that is approved by the chancellor of higher education. 24455
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(2) "Approved institution" means an eligible institution that has been approved to participate in the adult diploma pilot program under this section. 24458
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- (3) "Approved program of study" means a program of study offered by an approved institution that satisfies the requirements of division (B) of this section. 24461
24462
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- (4) An eligible student's "career pathway training program amount" means the following: 24464
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- (a) If the student is enrolled in a tier one career pathway training program, \$4,800; 24466
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- (b) If the student is enrolled in a tier two career pathway training program, \$3,200; 24468
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- (c) If the student is enrolled in a tier three career pathway training program, \$1,600. 24470
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- (5) "Eligible institution" means any of the following: 24472
- (a) A community college established under Chapter 3354. of the Revised Code; 24473
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- (b) A technical college established under Chapter 3357. of the Revised Code; 24475
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- (c) A state community college established under Chapter 3358. of the Revised Code; 24477
24478
- (d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education. 24479
24480
- (6) "Eligible student" means an individual who is at least ~~twenty-two~~ twenty years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code. 24481
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- (7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education. 24485
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- (8) A "tier two career pathway training program" is a career 24489

pathway training program that requires more than three hundred 24490
hours of technical training but less than six hundred hours of 24491
technical training, as determined by the department. 24492

(9) A "tier three career pathway training program" is a 24493
career pathway training program that requires three hundred hours 24494
or less of technical training, as determined by the department. 24495

(10) An eligible student's "work readiness training amount" 24496
means the following: 24497

(a) If the student's grade level upon initial enrollment in 24498
an approved program of study at an approved institution is below 24499
the ninth grade, as determined in accordance with rules adopted 24500
under division (E) of this section, \$1,500. 24501

(b) If the student's grade level upon initial enrollment in 24502
an approved program of study at an approved institution is at or 24503
above the ninth grade, as determined in accordance with rules 24504
adopted under division (E) of this section, \$750. 24505

(B) The adult diploma pilot program is hereby established to 24506
permit an eligible institution to obtain approval from the 24507
superintendent of public instruction and the chancellor to develop 24508
and offer a program of study that allows an eligible student to 24509
obtain a high school diploma. A program shall be eligible for this 24510
approval if it satisfies all of the following requirements: 24511

(1) The program allows an eligible student to complete the 24512
requirements for obtaining a high school diploma that are 24513
specified in rules adopted by the superintendent under division 24514
(E) of this section while also completing requirements for an 24515
approved industry credential or certificate. 24516

(2) The program includes career advising and outreach. 24517

(3) The program includes opportunities for students to 24518
receive a competency-based education. 24519

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 24520
3313.614, 3313.618, and 3313.619 of the Revised Code, the state 24521
board of education shall grant a high school diploma to each 24522
eligible student who enrolls in an approved program of study at an 24523
approved institution and completes the requirements for obtaining 24524
a high school diploma that are specified in rules adopted by the 24525
superintendent under division (E) of this section. 24526

(D)(1) The department shall calculate the following amount 24527
for each eligible student enrolled in each approved institution's 24528
approved program of study: 24529

(The student's career pathway training program amount + the 24530
student's work readiness training amount) X 1.2 24531

(2) Except as provided in division (D)(4) of this section, 24532
the department shall pay the amount calculated for an eligible 24533
student under division (D)(1) of this section to the approved 24534
institution in which the student is enrolled in the following 24535
manner: 24536

(a) Twenty-five per cent of the amount calculated under 24537
division (D)(1) of this section shall be paid to the approved 24538
institution after the student successfully completes the first 24539
third of the approved program of study, as determined by the 24540
department; 24541

(b) Twenty-five per cent of the amount calculated under 24542
division (D)(1) of this section shall be paid to the approved 24543
institution after the student successfully completes the second 24544
third of the approved program of study, as determined by the 24545
department; 24546

(c) Fifty per cent of the amount calculated under division 24547
(D)(1) of this section shall be paid to the approved institution 24548
after the student successfully completes the final third of the 24549
approved program of study, as determined by the department. 24550

(3) Of the amount paid to an approved institution under 24551
division (D)(2) of this section, the institution may use the 24552
amount that is in addition to the student's career pathway 24553
training amount and the student's work readiness training amount 24554
for the associated services of the approved program of study. 24555
These services include counseling, advising, assessment, and other 24556
services as determined or required by the department. 24557

(4) If the superintendent and the chancellor determine that 24558
is it appropriate for an entity other than the department to make 24559
full or partial payments for an eligible student under division 24560
(D)(2) of this section, that entity shall make those payments and 24561
the department shall not make those payments. 24562

(E) The superintendent, in consultation with the chancellor, 24563
shall adopt rules for the implementation of the adult diploma 24564
pilot program, including all of the following: 24565

(1) The requirements for applying for program approval; 24566

(2) The requirements for obtaining a high school diploma 24567
through the program, including the requirement to obtain a passing 24568
score on an assessment that is appropriate for the career pathway 24569
training program that is being completed by the eligible student, 24570
and the date on which these requirements take effect; 24571

(3) The assessment or assessments that may be used to 24572
complete the assessment requirement for each career pathway 24573
training program under division (E)(2) of this section and the 24574
score that must be obtained on each assessment in order to pass 24575
the assessment; 24576

(4) Guidelines regarding the funding of the program under 24577
division (D) of this section, including a method of funding for 24578
students who transfer from one approved institution to another 24579
approved institution prior to completing an approved program of 24580
study; 24581

(5) Circumstances under which an eligible student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study;

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section;

(7) The payment of federal funds that are to be used by approved programs of study at approved institutions.

Sec. 3313.905. (A) Southern state community college shall establish and maintain, for a period of five years, the Ohio code-scholar pilot program to address technical workforce needs.

(B) Not later than July 31, 2021, southern state community college shall appoint a program coordinator who shall be responsible for all of the following, as well as any other responsibilities as determined by the southern state community college board of trustees:

(1) Form a coalition and act as the liaison between southern state community college and the coalition to develop the pilot program.

The coalition shall include members from the following:

(a) The department of education;

(b) Educators in grades kindergarten through twelve;

(c) Career technical education staff;

(d) Educational service center staff;

(e) Representatives of post-secondary institutions in the areas in which the pilot program is operating;

(f) Federally and state-funded research organizations, as determined by the southern state community college board of

<u>trustees and the program coordinator;</u>	24611
<u>(g) Local businesses in the areas in which the pilot program</u>	24612
<u>is operating, as determined by the southern state community</u>	24613
<u>college board of trustees and the program coordinator.</u>	24614
<u>(2) In collaboration with the coalition, as described in</u>	24615
<u>division (B)(1) of this section, develop a curriculum for grades</u>	24616
<u>seven through twelve to be utilized by the pilot program that</u>	24617
<u>focuses on industry standards in the field of computer sciences,</u>	24618
<u>including coding, and is divided as follows:</u>	24619
<u>(a) For grades seven and eight, a focus on career</u>	24620
<u>exploration, career readiness initiatives, and an introduction to</u>	24621
<u>coding and computer sciences;</u>	24622
<u>(b) For grades nine through twelve, a focus on intermediate</u>	24623
<u>and advanced coding, computer sciences, and the potential for</u>	24624
<u>industry level credentialing.</u>	24625
<u>(3) Submit an annual report to southern state community</u>	24626
<u>college regarding the progress and implementation of the pilot</u>	24627
<u>program;</u>	24628
<u>(4) Determine the manner in which the pilot program shall</u>	24629
<u>recruit school districts and other participants for the fall of</u>	24630
<u>2021 from the following counties:</u>	24631
<u>(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and</u>	24632
<u>Highland counties;</u>	24633
<u>(b) Brown county;</u>	24634
<u>(c) Pike county.</u>	24635
<u>(5) Develop a structured timeline by which the pilot program</u>	24636
<u>shall operate over the five-year period, with full administration</u>	24637
<u>beginning in the fall of 2022;</u>	24638
<u>(6) Determine the manner in which to incorporate the college</u>	24639
<u>credit plus program as established under Chapter 3365. of the</u>	24640

Revised Code within the pilot program; 24641

(7) In collaboration with the designated department, advisor, 24642
and instructor, as appointed by southern state community college, 24643
develop a system for the articulation of credits earned under the 24644
pilot program and align them into a for-credit program at southern 24645
state community college; 24646

(8) Act as fiscal operator of the pilot program. 24647

(C) Upon completion of the pilot program, southern state 24648
community college, in collaboration with the program coordinator, 24649
shall submit a full report and any legislative recommendations to 24650
the General Assembly, in accordance with section 101.68 of the 24651
Revised Code, regarding the outcomes of the pilot program. 24652

Sec. 3313.979. Each scholarship to be used for payments to a 24653
registered private school is payable to the parents of the student 24654
entitled to the scholarship. State core foundation funding shall 24655
be computed and distributed to pay scholarships under this 24656
section. Each scholarship to be used for payments to a public 24657
school in an adjacent school district is payable to the school 24658
district of attendance by the superintendent of public 24659
instruction. Each grant to be used for payments to an approved 24660
tutorial assistance provider is payable to the approved tutorial 24661
assistance provider. 24662

(A)(1) By the fifteenth day of each month of the school year 24663
that any scholarship students are enrolled in a registered private 24664
school, the chief administrator of that school shall notify the 24665
state superintendent of: 24666

(a) The number of scholarship students who were reported to 24667
the school district as having been admitted by that private school 24668
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 24669
Code and who were still enrolled in the private school as of the 24670

first day of such month; 24671

(b) The number of scholarship students who were reported to 24672
the school district as having been admitted by another private 24673
school pursuant to division (A)(2)(b) of section 3313.978 of the 24674
Revised Code and since the date of admission have transferred to 24675
the school providing the notification under division (A)(1) of 24676
this section. 24677

(2) From time to time, the state superintendent shall make a 24678
payment to the parent of each student entitled to a scholarship. 24679
Each payment shall include for each student reported under 24680
division (A)(1) of this section a portion of the scholarship 24681
amount specified in divisions (C)(1) and (2) of section 3313.978 24682
of the Revised Code. This amount shall be proportionately reduced 24683
in the case of any such student who is not enrolled in a 24684
registered private school for the entire school year. 24685

(3) The first payment under this division shall be made by 24686
the last day of November and shall equal one-third of the 24687
estimated total amount that will be due to the parent for the 24688
school year pursuant to division (A)(2) of this section. 24689

(B) The state superintendent, on behalf of the parents of a 24690
scholarship student enrolled in a public school in an adjacent 24691
school district pursuant to section 3327.06 of the Revised Code, 24692
shall make the tuition payments required by that section to the 24693
school district admitting the student, except that, 24694
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 24695
Revised Code, the total payments in any school year shall not 24696
exceed the scholarship amount provided in divisions (C)(1) and (2) 24697
of section 3313.978 of the Revised Code. 24698

(C) Whenever an approved provider provides tutorial 24699
assistance to a student, the state superintendent shall pay the 24700
approved provider for such costs upon receipt of a statement 24701

specifying the services provided and the costs of the services, 24702
which statement shall be signed by the provider and verified by 24703
the chief administrator having supervisory control over the 24704
tutoring site. The total payments to any approved provider under 24705
this division for all provider services to any individual student 24706
in any school year shall not exceed the grant amount provided in 24707
division (C)(3) of section 3313.978 of the Revised Code. 24708

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 24709
and division (D) of section 3311.52 of the Revised Code, the 24710
provisions of this section and sections 3313.981 to 3313.983 of 24711
the Revised Code that apply to a city school district do not apply 24712
to a joint vocational or cooperative education school district 24713
unless expressly specified. 24714

(A) As used in this section and sections 3313.981 to 3313.983 24715
of the Revised Code: 24716

(1) "Parent" means either of the natural or adoptive parents 24717
of a student, except under the following conditions: 24718

(a) When the marriage of the natural or adoptive parents of 24719
the student has been terminated by a divorce, dissolution of 24720
marriage, or annulment or the natural or adoptive parents of the 24721
student are living separate and apart under a legal separation 24722
decree and the court has issued an order allocating the parental 24723
rights and responsibilities with respect to the student, "parent" 24724
means the residential parent as designated by the court except 24725
that "parent" means either parent when the court issues a shared 24726
parenting decree. 24727

(b) When a court has granted temporary or permanent custody 24728
of the student to an individual or agency other than either of the 24729
natural or adoptive parents of the student, "parent" means the 24730
legal custodian of the child. 24731

(c) When a court has appointed a guardian for the student,	24732
"parent" means the guardian of the student.	24733
(2) "Native student" means a student entitled under section	24734
3313.64 or 3313.65 of the Revised Code to attend school in a	24735
district adopting a resolution under this section.	24736
(3) "Adjacent district" means a city, exempted village, or	24737
local school district having territory that abuts the territory of	24738
a district adopting a resolution under this section.	24739
(4) "Adjacent district student" means a student entitled	24740
under section 3313.64 or 3313.65 of the Revised Code to attend	24741
school in an adjacent district.	24742
(5) "Adjacent district joint vocational student" means an	24743
adjacent district student who enrolls in a city, exempted village,	24744
or local school district pursuant to this section and who also	24745
enrolls in a joint vocational school district that does not	24746
contain the territory of the district for which that student is a	24747
native student and does contain the territory of the city,	24748
exempted village, or local district in which the student enrolls.	24749
(6) "Formula amount" has the same meaning as in section	24750
3317.02 of the Revised Code.	24751
(7) "Poverty line" means the poverty line established by the	24752
director of the United States office of management and budget as	24753
revised by the secretary of health and human services in	24754
accordance with section 673(2) of the "Community Services Block	24755
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.	24756
(8) <u>(7)</u> "IEP" has the same meaning as in section 3323.01 of	24757
the Revised Code.	24758
(9) <u>(8)</u> "Other district" means a city, exempted village, or	24759
local school district having territory outside of the territory of	24760
a district adopting a resolution under this section.	24761

~~(10)~~(9) "Other district student" means a student entitled 24762
under section 3313.64 or 3313.65 of the Revised Code to attend 24763
school in an other district. 24764

~~(11)~~(10) "Other district joint vocational student" means a 24765
student who is enrolled in any city, exempted village, or local 24766
school district and who also enrolls in a joint vocational school 24767
district that does not contain the territory of the district for 24768
which that student is a native student in accordance with a policy 24769
adopted under section 3313.983 of the Revised Code. 24770

(B)(1) The board of education of each city, local, and 24771
exempted village school district shall adopt a resolution 24772
establishing for the school district one of the following 24773
policies: 24774

(a) A policy that entirely prohibits the enrollment of 24775
students from adjacent districts or other districts, other than 24776
students for whom tuition is paid in accordance with section 24777
3317.08 of the Revised Code; 24778

(b) A policy that permits enrollment of students from all 24779
adjacent districts in accordance with policy statements contained 24780
in the resolution; 24781

(c) A policy that permits enrollment of students from all 24782
other districts in accordance with policy statements contained in 24783
the resolution. 24784

(2) A policy permitting enrollment of students from adjacent 24785
or from other districts, as applicable, shall provide for all of 24786
the following: 24787

(a) Application procedures, including deadlines for 24788
application and for notification of students and the 24789
superintendent of the applicable district whenever an adjacent or 24790
other district student's application is approved. 24791

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	24792 24793 24794
(i) The establishment of district capacity limits by grade level, school building, and education program;	24795 24796
(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;	24797 24798 24799 24800
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	24801 24802
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	24803 24804 24805
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	24806 24807
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	24808 24809 24810 24811 24812
(3) A requirement that the student be proficient in the English language;	24813 24814
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	24815 24816 24817 24818 24819 24820 24821

(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the

students in accordance with section 3317.08 of the Revised Code. 24853
An adjacent or other district enrolling such students may not 24854
receive funding for those students in accordance with section 24855
3313.981 of the Revised Code. 24856

(G) The state board of education shall monitor school 24857
districts to ensure compliance with this section and the 24858
districts' policies. The board may adopt rules requiring uniform 24859
application procedures, deadlines for application, notification 24860
procedures, and record-keeping requirements for all school boards 24861
that adopt policies permitting the enrollment of adjacent or other 24862
district students, as applicable. If the state board adopts such 24863
rules, no school board shall adopt a policy that conflicts with 24864
those rules. 24865

(H) A resolution adopted by a board of education under this 24866
section that entirely prohibits the enrollment of students from 24867
adjacent and from other school districts does not abrogate any 24868
agreement entered into under section 3313.841 or 3313.92 of the 24869
Revised Code or any contract entered into under section 3313.90 of 24870
the Revised Code between the board of education adopting the 24871
resolution and the board of education of any adjacent or other 24872
district or prohibit these boards of education from entering into 24873
any such agreement or contract. 24874

(I) Nothing in this section shall be construed to permit or 24875
require the board of education of a city, exempted village, or 24876
local school district to exclude any native student of the 24877
district from enrolling in the district. 24878

Sec. 3313.981. (A) The state board of education shall adopt 24879
rules requiring all of the following: 24880

(1) The board of education of each city, exempted village, 24881
and local school district to annually report to the department of 24882
education all of the following: 24883

(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable, the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code; 24884
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(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code; 24892
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(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district; 24898
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(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code; 24901
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(e) Each native student's date of enrollment in an adjacent or other district. 24905
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(2) The board of education of each joint vocational school district to annually report to the department all of the following: 24907
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24909

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district; 24910
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(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in 24912
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section 3317.014 of the Revised Code; 24915

(c) For each adjacent district or other district joint 24916
vocational student, the city, exempted village, or local school 24917
district in which the student is also enrolled. 24918

(3) Prior to the end of each reporting period specified in 24919
section 3317.03 of the Revised Code, the superintendent of each 24920
city, local, or exempted village school district that admits 24921
adjacent district or other district students who are in grades 24922
kindergarten through twelve, adjacent district or other district 24923
students who are preschool children with disabilities, or adjacent 24924
district or other district joint vocational students in accordance 24925
with a policy adopted under division (B) of section 3313.98 of the 24926
Revised Code to report to the department of education each 24927
adjacent or other district's students and where those students who 24928
are enrolled in the superintendent's district under the policy are 24929
entitled to attend school under section 3313.64 or 3313.65 of the 24930
Revised Code. 24931

The rules shall provide for the method of counting students 24932
who are enrolled for part of a school year in an adjacent or other 24933
district or as an adjacent district or other district joint 24934
vocational student. 24935

(B) From the payments made to a city, exempted village, or 24936
local school district under Chapter 3317. of the Revised Code and, 24937
if necessary, from the payments made to the district under 24938
sections 321.24 and 323.156 of the Revised Code, the department of 24939
education shall annually subtract ~~all of the following:~~ 24940

~~(1) An amount equal to the number of the district's native 24941
students in grades kindergarten through twelve reported under 24942
division (A)(1) of this section who are enrolled in adjacent or 24943
other school districts pursuant to policies adopted by such 24944
districts under division (B) of section 3313.98 of the Revised 24945~~

~~Code multiplied by the formula amount;~~ 24946

~~(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;~~ 24947
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~~(3) For each of the district's native students reported under division (A)(1)(d) or (2)(b) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career technical category, on a full-time equivalency basis;~~ 24952
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~~(4) For, for each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.~~ 24958
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(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following: 24963
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~~(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades kindergarten through twelve enrolled in the district, as reported under division (A)(1) of this section;~~ 24966
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~~(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students in grades kindergarten through twelve, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;~~ 24972
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~~(3) For each of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)(d) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career technical category, on a full time equivalency basis;~~ 24977
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~~(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the formula amount;~~ 24984
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~~(5) For, for each adjacent district or other district student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in the district, \$4,000.~~ 24988
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~~(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:~~ 24991
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~~(1) The formula amount;~~ 24996

~~(2) The per pupil amount for each of the students reported pursuant to division (A)(2)(b) of this section prescribed by section 3317.014 of the Revised Code for the student's respective career technical category, on a full time equivalency basis.~~ 24997
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~~(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in grades kindergarten through twelve in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:~~ 25001
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~~(a) Subtract the formula amount from the actual costs to~~ 25007

educate the student; 25008

~~(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.~~ 25009
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~~(2) The board shall report the excess costs computed under this division to the department of education.~~ 25013
25014

~~(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.~~ 25015
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~~(F) As provided in division (D)(1)(b) of section 3317.03 of the Revised Code, no joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its enrollment certified under section 3317.03 of the Revised Code.~~ 25021
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~~(G) No city, exempted village, or local school district shall receive a payment under division (C) of this section for a student, and no joint vocational school district shall receive a payment under division (D) of this section for a student, if for the same school year that student is counted in the district's enrollment certified under section 3317.03 of the Revised Code.~~ 25026
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~~(H)~~(E) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a 25032
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nonhandicapped student only at a regular school bus stop 25039
designated in accordance with the board's transportation policy. 25040
Pursuant to rules of the state board of education, such board may 25041
reimburse the parent from funds received for pupil transportation 25042
under section 3317.0212 of the Revised Code, or other provisions 25043
of law, for the reasonable cost of transportation from the 25044
student's home to the designated school bus stop if the student's 25045
family has an income below the federal poverty line. 25046

Sec. 3314.013. (A) Until ~~the sixty first day after the~~ 25047
~~effective date of this amendment~~ May 22, 2013, no internet- or 25048
computer-based community school shall operate unless the school 25049
was open for instruction as of May 1, 2005. No entity described in 25050
division (C)(1) of section 3314.02 of the Revised Code shall enter 25051
into a contract to sponsor an internet- or computer-based 25052
community school, including a conversion school, between May 1, 25053
2005, and ~~the sixty first day after the effective date of this~~ 25054
~~amendment~~ May 22, 2013, except as follows: 25055

(1) The entity may renew a contract that the entity entered 25056
into with an internet- or computer-based community school prior to 25057
May 1, 2005, if the school was open for operation as of that date. 25058

(2) The entity may assume sponsorship of an existing 25059
internet- or computer-based community school that was formerly 25060
sponsored by another entity and may enter into a contract with 25061
that community school in accordance with section 3314.03 of the 25062
Revised Code. 25063

If a sponsor entered into a contract with an internet- or 25064
computer-based community school, including a conversion school, 25065
but the school was not open for operation as of May 1, 2005, the 25066
contract shall be void and the entity shall not enter into another 25067
contract with the school until ~~the sixty first day after the~~ 25068
~~effective date of this amendment~~ May 22, 2013. 25069

(B)(1) Beginning on ~~the later of~~ July 1, 2013, ~~or the~~ 25070
~~sixty first day after the effective date of this amendment,~~ up to 25071
five new internet- or computer-based community schools may open 25072
each year, subject to approval of the superintendent of public 25073
instruction under division (B)(2) of this section. 25074

(2) The superintendent of public instruction shall approve 25075
applications for new internet- or computer-based community schools 25076
from only those applicants demonstrating experience and quality. 25077

The state board of education shall adopt rules prescribing 25078
measures to determine experience and quality of applicants in 25079
accordance with Chapter 119. of the Revised Code. The measures 25080
shall include, but not be limited to, the following 25081
considerations: 25082

(a) The sponsor's experience with online schools; 25083

(b) The operator's experience with online schools; 25084

(c) The sponsor's and operator's previous record for student 25085
performance; 25086

(d) A preference for operators with previous experience in 25087
Ohio. 25088

The state board shall adopt the rules so that they are 25089
effective ~~not later than the sixty first day after the effective~~ 25090
~~date of this amendment~~ May 22, 2013. 25091

(3) The department of education shall notify any new 25092
internet- or computer-based community school governed by division 25093
(B) of this section of whether the superintendent has approved or 25094
disapproved the school's application to open for the 2013-2014 25095
school year not later than July 1, 2013, ~~or the sixty first day~~ 25096
~~after the effective date of this amendment , if such date occurs~~ 25097
~~after July 1, 2013~~. Notwithstanding the dates prescribed for 25098
adoption and signing on sponsor contracts in division (D) of 25099

section 3314.02 of the Revised Code, or the date for opening a 25100
school for instruction required by division (A)(25) of section 25101
3314.03 of the Revised Code, a new internet- or computer-based 25102
community school approved for opening for the 2013-2014 school 25103
year under division (B) of this section may open and operate in 25104
that school year regardless of whether it has complied with those 25105
contract and opening dates. For each school year thereafter, the 25106
school shall comply with all applicable provisions of this 25107
chapter. 25108

(C) Nothing in ~~divisions~~ division (A) or (B) of this section 25109
prohibits an internet- or computer-based community school from 25110
increasing the number of grade levels it offers. 25111

~~(D) Not later than July 1, 2012, the director of the 25112
governor's office of 21st century education and the superintendent 25113
of public instruction shall develop standards for the operation of 25114
internet or computer based community schools. The director shall 25115
submit those standards to the speaker of the house of 25116
representatives and the president of the senate for consideration 25117
of enactment by the general assembly. 25118~~

Sec. 3314.016. This section applies to any entity that 25119
sponsors a community school, regardless of whether section 25120
3314.021 or 3314.027 of the Revised Code exempts the entity from 25121
the requirement to be approved for sponsorship under divisions 25122
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 25123
office of Ohio school sponsorship established under section 25124
3314.029 of the Revised Code shall be rated under division (B) of 25125
this section, but divisions (A) and (C) of this section do not 25126
apply to the office. 25127

(A) An entity that sponsors a community school shall be 25128
permitted to enter into contracts under section 3314.03 of the 25129
Revised Code to sponsor additional community schools only if the 25130

entity meets all of the following criteria: 25131

(1) The entity is in compliance with all provisions of this 25132
chapter requiring sponsors of community schools to report data or 25133
information to the department of education. 25134

(2) The entity is not rated as "ineffective" under division 25135
(B)(6) of this section. 25136

(3) Except as set forth in sections 3314.021 and 3314.027 of 25137
the Revised Code, the entity has received approval from and 25138
entered into an agreement with the department of education 25139
pursuant to section 3314.015 of the Revised Code. 25140

(B)(1) The department shall develop and implement an 25141
evaluation system that annually rates and assigns an overall 25142
rating to each entity that sponsors a community school. The 25143
department, not later than the first day of February of each year, 25144
shall post on the department's web site the framework for the 25145
evaluation system, including technical documentation that the 25146
department intends to use to rate sponsors for the next school 25147
year. The department shall solicit public comment on the 25148
evaluation system for thirty consecutive days. Not later than the 25149
first day of April of each year, the department shall compile and 25150
post on the department's web site all public comments that were 25151
received during the public comment period. The evaluation system 25152
shall be posted on the department's web site by the fifteenth day 25153
of July of each school year. Any changes to the evaluation system 25154
after that date shall take effect the following year. The 25155
evaluation system shall be based on the following components: 25156

(a) Academic performance of students enrolled in community 25157
schools sponsored by the same entity. The academic performance 25158
component shall be derived from the performance measures 25159
prescribed for the state report cards under section 3302.03 or 25160
3314.017 of the Revised Code, and shall be based on the 25161

performance of the schools for the school year for which the 25162
evaluation is conducted. In addition to the academic performance 25163
for a specific school year, the academic performance component 25164
shall also include year-to-year changes in the overall sponsor 25165
portfolio. For a community school for which no graded performance 25166
measures are applicable or available, the department shall use 25167
nonreport card performance measures specified in the contract 25168
between the community school and the sponsor under division (A)(4) 25169
of section 3314.03 of the Revised Code. 25170

(b) Adherence by a sponsor to the quality practices 25171
prescribed by the department under division (B)(3) of this 25172
section. For a sponsor that was rated "effective" or "exemplary" 25173
on its most recent rating, the department may evaluate that 25174
sponsor's adherence to quality practices once over a period of 25175
three years. If the department elects to evaluate a sponsor once 25176
over a period of three years, the most recent rating for a 25177
sponsor's adherence to quality practices shall be used when 25178
determining an annual overall rating conducted under this section. 25179

(c) Compliance with all applicable laws and administrative 25180
rules by an entity that sponsors a community school. 25181

(2) In calculating an academic performance component, the 25182
department shall exclude all community schools that have been in 25183
operation for not more than two full school years and all 25184
community schools described in division (A)(4)(b) of section 25185
3314.35 of the Revised Code. However, the academic performance of 25186
the community schools described in division (A)(4)(b) of section 25187
3314.35 of the Revised Code shall be reported, but shall not be 25188
used as a factor when determining a sponsoring entity's rating 25189
under this section. 25190

(3) The department, in consultation with entities that 25191
sponsor community schools, shall prescribe quality practices for 25192
community school sponsors and develop an instrument to measure 25193

adherence to those quality practices. The quality practices shall 25194
be based on standards developed by the national association of 25195
charter school authorizers or any other nationally organized 25196
community school organization. 25197

(4)(a) The department may permit peer review of a sponsor's 25198
adherence to the quality practices prescribed under division 25199
(B)(3) of this section. Peer reviewers shall be limited to 25200
individuals employed by sponsors rated "effective" or "exemplary" 25201
on the most recent ratings conducted under this section. 25202

(b) The department shall require individuals participating in 25203
peer review under division (B)(4)(a) of this section to complete 25204
training approved or established by the department. 25205

(c) The department may enter into an agreement with another 25206
entity to provide training to individuals conducting peer review 25207
of sponsors. Prior to entering into an agreement with an entity, 25208
the department shall review and approve of the entity's training 25209
program. 25210

(5) Not later than July 1, 2013, the state board of education 25211
shall adopt rules in accordance with Chapter 119. of the Revised 25212
Code prescribing standards for measuring compliance with 25213
applicable laws and rules under division (B)(1)(c) of this 25214
section. 25215

(6) The department annually shall rate all entities that 25216
sponsor community schools as either "exemplary," "effective," 25217
"ineffective," or "poor," based on the components prescribed by 25218
division (B) of this section, where each component is weighted 25219
equally. A separate rating shall be given by the department for 25220
each component of the evaluation system. 25221

The department shall publish the ratings between the first 25222
day of October and the fifteenth day of November. 25223

Prior to the publication of the final ratings, the department 25224

shall designate and provide notice of a period of at least ten 25225
business days during which each sponsor may review the information 25226
used by the department to determine the sponsor's rating on the 25227
components prescribed by division (B)(1) of this section. If the 25228
sponsor believes there is an error in the department's evaluation, 25229
the sponsor may request adjustments to the rating of any of those 25230
components based on documentation previously submitted as part of 25231
an evaluation. The sponsor shall provide to the department any 25232
necessary evidence or information to support the requested 25233
adjustments. The department shall review the evidence and 25234
information, determine whether an adjustment is valid, and 25235
promptly notify the sponsor of its determination and reasons. If 25236
any adjustments to the data could result in a change to the rating 25237
on the applicable component or to the overall rating, the 25238
department shall recalculate the ratings prior to publication. 25239

The department shall provide training on an annual basis 25240
regarding the evaluation system prescribed under this section. The 25241
training shall, at a minimum, describe methodology, timelines, and 25242
data required for the evaluation system. The first training 25243
session shall occur not later than March 2, 2016. Beginning in 25244
2018, the training shall be made available to each entity that 25245
sponsors a community school by the fifteenth day of July of each 25246
year and shall include guidance on any changes made to the 25247
evaluation system. 25248

(7)(a) Entities with an overall rating of "exemplary" for ~~at~~ 25249
least the two consecutive most recent years in which the entity 25250
was evaluated may take advantage of the following incentives: 25251

(i) Renewal of the written agreement with the department, not 25252
to exceed ten years, provided that the entity consents to 25253
continued evaluation of adherence to quality practices as 25254
described in division (B)(1)(b) of this section; 25255

(ii) The ability to extend the term of the contract between 25256

the sponsoring entity and the community school beyond the term 25257
described in the written agreement with the department; 25258

(iii) An exemption from the preliminary agreement and 25259
contract adoption and execution deadline requirements prescribed 25260
in division (D) of section 3314.02 of the Revised Code; 25261

(iv) An exemption from the automatic contract expiration 25262
requirement, should a new community school fail to open by the 25263
thirtieth day of September of the calendar year in which the 25264
community school contract is executed; 25265

(v) No limit on the number of community schools the entity 25266
may sponsor; 25267

(vi) No territorial restrictions on sponsorship. 25268

An entity may continue to sponsor any community schools with 25269
which it entered into agreements under division (B)(7)(a)(v) or 25270
(vi) of this section while rated "exemplary," notwithstanding the 25271
fact that the entity later receives a lower overall rating. 25272

(b) Entities with an overall rating of "exemplary" or 25273
"effective" for ~~at least~~ the three consecutive most recent years 25274
in which the entity was evaluated shall be evaluated by the 25275
department once every three years. 25276

(c)(i) Entities that receive an overall rating of 25277
"ineffective" shall be prohibited from sponsoring any new or 25278
additional community schools during the time in which the sponsor 25279
is rated as "ineffective" and shall be subject to a quality 25280
improvement plan based on correcting the deficiencies that led to 25281
the "ineffective" rating, with timelines and benchmarks that have 25282
been established by the department. 25283

(ii) Entities that receive an overall rating of "ineffective" 25284
on their three most recent ratings shall have all sponsorship 25285
authority revoked. Within thirty days after receiving its third 25286

rating of "ineffective," the entity may appeal the revocation of 25287
its sponsorship authority to the superintendent of public 25288
instruction, who shall appoint an independent hearing officer to 25289
conduct a hearing in accordance with Chapter 119. of the Revised 25290
Code. The hearing shall be conducted within thirty days after 25291
receipt of the notice of appeal. Within forty-five days after the 25292
hearing is completed, the state board of education shall determine 25293
whether the revocation is appropriate based on the hearing 25294
conducted by the independent hearing officer, and if determined 25295
appropriate, the revocation shall be confirmed. 25296

(d) Entities that receive an overall rating of "poor" shall 25297
have all sponsorship authority revoked. Within thirty days after 25298
receiving a rating of "poor," the entity may appeal the revocation 25299
of its sponsorship authority to the superintendent of public 25300
instruction, who shall appoint an independent hearing officer to 25301
conduct a hearing in accordance with Chapter 119. of the Revised 25302
Code. The hearing shall be conducted within thirty days after 25303
receipt of the notice of appeal. Within forty-five days after the 25304
hearing is completed, the state board of education shall determine 25305
whether the revocation is appropriate based on the hearing 25306
conducted by the independent hearing officer, and if determined 25307
appropriate, the revocation shall be confirmed. 25308

(8) For the 2014-2015 school year and each school year 25309
thereafter, student academic performance prescribed under division 25310
(B)(1)(a) of this section shall include student academic 25311
performance data from community schools that primarily serve 25312
students enrolled in a dropout prevention and recovery program. 25313

(C) If the governing authority of a community school enters 25314
into a contract with a sponsor prior to the date on which the 25315
sponsor is prohibited from sponsoring additional schools under 25316
division (A) of this section and the school has not opened for 25317
operation as of that date, that contract shall be void and the 25318

school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A)(3) of section 3314.029 of the Revised Code.

(D) When an entity's authority to sponsor schools is revoked pursuant to division ~~(B)(7)(b)~~ (B)(7)(c) or ~~(e)~~ (d) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of:

(1) The expiration of two school years from the time that sponsorship is revoked;

(2) When a new sponsor is secured by the governing authority pursuant to division (C)(1) of section 3314.02 of the Revised Code.

Any community school sponsored under this division shall not be counted for purposes of directly authorized community schools under division (A)(3) of section 3314.029 of the Revised Code.

(E) The department shall recalculate the rating for the 2017-2018 school year for each sponsor of a community school that receives recalculated ratings pursuant to division (I) of section 3314.017 of the Revised Code.

Sec. 3314.017. (A) The state board of education shall

prescribe by rules, adopted in accordance with Chapter 119. of the 25349
Revised Code, an academic performance rating and report card 25350
system that satisfies the requirements of this section for 25351
community schools that primarily serve students enrolled in 25352
dropout prevention and recovery programs as described in division 25353
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 25354
lieu of the system prescribed under sections 3302.03 and 3314.012 25355
of the Revised Code beginning with the 2012-2013 school year. Each 25356
such school shall comply with the testing and reporting 25357
requirements of the system as prescribed by the state board. 25358

(B) Nothing in this section shall at any time relieve a 25359
school from its obligations under the "No Child Left Behind Act of 25360
2001" to make "adequate yearly progress," as both that act and 25361
that term are defined in section 3302.01 of the Revised Code, or a 25362
school's amenability to the provisions of section 3302.04 or 25363
3302.041 of the Revised Code. The department of education shall 25364
continue to report each school's performance as required by the 25365
act and to enforce applicable sanctions under section 3302.04 or 25366
3302.041 of the Revised Code. 25367

(C) The rules adopted by the state board shall prescribe the 25368
following performance indicators for the rating and report card 25369
system required by this section: 25370

(1) Graduation rate for each of the following student 25371
cohorts: 25372

(a) The number of students who graduate in four years or less 25373
with a regular high school diploma divided by the number of 25374
students who form the adjusted cohort for the graduating class; 25375

(b) The number of students who graduate in five years with a 25376
regular high school diploma divided by the number of students who 25377
form the adjusted cohort for the four-year graduation rate; 25378

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;

(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;

(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;

(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.

(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators

prescribed by division (C) of this section based on the data 25410
gathered by the department under division (G) of this section. 25411
Based on a school's level of attainment or nonattainment of the 25412
expected performance levels and benchmarks for each of the 25413
indicators, the department shall rate each school in one of the 25414
following categories: 25415

- (a) Exceeds standards; 25416
- (b) Meets standards; 25417
- (c) Does not meet standards. 25418

(2) The state board's rules shall establish all of the 25419
following: 25420

- (a) Not later than June 30, 2013, performance levels and 25421
benchmarks for the indicators described in divisions (C)(1) to (3) 25422
of this section; 25423
- (b) Not later than December 31, 2014, both of the following: 25424

- (i) Performance levels and benchmarks for the indicator 25425
described in division (C)(4) of this section; 25426
- (ii) Standards for awarding a community school described in 25427
division (A)(4)(a) of section 3314.35 of the Revised Code an 25428
overall designation, which shall be calculated as follows: 25429

- (I) Thirty per cent of the score shall be based on the 25430
indicators described in division (C)(1) of this section that are 25431
applicable to the school year for which the overall designation is 25432
granted. 25433
- (II) Thirty per cent of the score shall be based on the 25434
indicators described in division (C)(4) of this section. 25435
- (III) Twenty per cent of the score shall be based on the 25436
indicators described in division (C)(2) of this section. 25437
- (IV) Twenty per cent of the score shall be based on the 25438

indicators described in division (C)(3) of this section. 25439

(3) If both of the indicators described in divisions (C)(1) 25440
and (2) of this section improve by ten per cent for two 25441
consecutive years, a school shall be rated not less than "meets 25442
standards." 25443

The rating and the relevant performance data for each school 25444
shall be posted on the department's web site, and a copy of the 25445
rating and data shall be provided to the governing authority of 25446
the community school. 25447

(E)(1) For the 2012-2013 school year, the department shall 25448
issue a report card including the following performance measures, 25449
but without a performance rating as described in divisions 25450
(D)(1)(a) to (c) of this section, for each community school 25451
described in division (A)(4)(a) of section 3314.35 of the Revised 25452
Code: 25453

(a) The graduation rates as described in divisions (C)(1)(a) 25454
to (c) of this section; 25455

(b) The percentage of twelfth-grade students and other 25456
students who have attained a designated passing score on high 25457
school achievement assessments as described in division (C)(2) of 25458
this section; 25459

(c) The statewide average for the graduation rates and 25460
assessment passage rates described in divisions (C)(1)(a) to (c) 25461
and (C)(2) of this section; 25462

(d) Annual measurable objectives described in division (C)(3) 25463
of this section. 25464

(2) For the 2013-2014 school year, the department shall issue 25465
a report card including the following performance measures for 25466
each community school described in division (A)(4)(a) of section 25467
3314.35 of the Revised Code: 25468

(a) The graduation rates described in divisions (C)(1)(a) to	25469
(d) of this section, including a performance rating as described	25470
in divisions (D)(1)(a) to (c) of this section;	25471
(b) The percentage of twelfth-grade students and other	25472
students who have attained a designated passing score on high	25473
school achievement assessments as described in division (C)(2) of	25474
this section, including a performance rating as described in	25475
divisions (D)(1)(a) to (c) of this section;	25476
(c) Annual measurable objectives described in division (C)(3)	25477
of this section, including a performance rating as described in	25478
divisions (D)(1)(a) to (c) of this section;	25479
(d) Both of the following without an assigned rating:	25480
(i) Growth in annual student achievement in reading and	25481
mathematics described in division (C)(4) of this section, if	25482
available;	25483
(ii) Student outcome data, including postsecondary credit	25484
earned, nationally recognized career or technical certification,	25485
military enlistment, job placement, and attendance rate.	25486
(3) Beginning with the 2014-2015 school year, and annually	25487
thereafter, the department shall issue a report card for each	25488
community school described in division (A)(4)(a) of section	25489
3314.35 of the Revised Code that includes all of the following	25490
performance measures, including a performance rating for each	25491
measure as described in divisions (D)(1)(a) to (c) of this	25492
section:	25493
(a) The graduation rates as described in division (C)(1) of	25494
this section;	25495
(b) The percentage of twelfth-grade students and other	25496
students who have attained a designated passing score on high	25497
school achievement assessments as described in division (C)(2) of	25498

this section;	25499
(c) Annual measurable objectives described in division (C)(3)	25500
of this section, including a performance rating as described in	25501
divisions (D)(1)(a) to (c) of this section;	25502
(d) Growth in annual student achievement in reading and	25503
mathematics as described in division (C)(4) of this section;	25504
(e) An overall performance designation for the school	25505
calculated under rules adopted under division (D)(2) of this	25506
section.	25507
The department shall also include student outcome data,	25508
including postsecondary credit earned, nationally recognized	25509
career or technical certification, military enlistment, job	25510
placement, attendance rate, and progress on closing achievement	25511
gaps for each school. This information shall not be included in	25512
the calculation of a school's performance rating.	25513
(F) Not later than the thirty-first day of July of each year,	25514
the department shall submit preliminary report card data for	25515
overall academic performance for each performance measure	25516
prescribed in division (E)(3) of this section for each community	25517
school to which this section applies.	25518
(G) In developing the rating and report card system required	25519
by this section, during the 2012-2013 and 2013-2014 school years,	25520
the department shall gather and analyze data as determined	25521
necessary from each community school described in division	25522
(A)(4)(a) of section 3314.35 of the Revised Code. Each such school	25523
shall cooperate with the department by supplying requested data	25524
and administering required assessments, including sample	25525
assessments for purposes of measuring student achievement growth	25526
as described in division (C)(4) of this section. The department	25527
shall consult with stakeholder groups in performing its duties	25528
under this division.	25529

The department shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of those states in developing the system required by this section.

(H) Not later than December 31, 2014, the state board shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section.

(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E)(3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after ~~the effective date of this amendment~~ July 18, 2019.

~~(J) The state board shall coordinate a study committee consisting of one member of the Ohio senate appointed by the president of the senate, one member of the Ohio house of representatives appointed by the speaker of the house of representatives, one representative of the governor's office, one school district superintendent appointed by the state board, and one chief administrator of a community school appointed by the state board. This committee shall conduct a study regarding the classification, authorization, and report card ratings of community schools that primarily serve students enrolled in dropout prevention and recovery programs as described in division (A)(4)(a) of section 3314.35 of the Revised Code that offer two or more of the following educational models:~~

~~(1) Blended learning, as that term is defined in section 3301.079 of the Revised Code;~~

~~(2) Portfolio learning, as defined by the members of the
committee;~~ 25562
25563

~~(3) Credit flexibility, which permits credits to be awarded
based on a student's demonstration of subject area competency.~~ 25564
25565

~~The state board, on behalf of the committee, shall submit the
committee's recommendations to the general assembly in accordance
with section 101.68 of the Revised Code not later than six months
after the effective date of this amendment.~~ 25566
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25569

Sec. 3314.03. A copy of every contract entered into under 25571
this section shall be filed with the superintendent of public 25572
instruction. The department of education shall make available on 25573
its web site a copy of every approved, executed contract filed 25574
with the superintendent under this section. 25575

(A) Each contract entered into between a sponsor and the 25576
governing authority of a community school shall specify the 25577
following: 25578

(1) That the school shall be established as either of the 25579
following: 25580

(a) A nonprofit corporation established under Chapter 1702. 25581
of the Revised Code, if established prior to April 8, 2003; 25582

(b) A public benefit corporation established under Chapter 25583
1702. of the Revised Code, if established after April 8, 2003. 25584

(2) The education program of the school, including the 25585
school's mission, the characteristics of the students the school 25586
is expected to attract, the ages and grades of students, and the 25587
focus of the curriculum; 25588

(3) The academic goals to be achieved and the method of 25589
measurement that will be used to determine progress toward those 25590
goals, which shall include the statewide achievement assessments; 25591

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	25592 25593 25594 25595
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	25596 25597
(6)(a) Dismissal procedures;	25598
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	25599 25600 25601 25602 25603
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	25604 25605
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	25606 25607 25608 25609 25610 25611
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	25612 25613
(a) A detailed description of each facility used for instructional purposes;	25614 25615
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	25616 25617
(c) The annual mortgage principal and interest payments that are paid by the school;	25618 25619
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if	25620 25621

any. 25622

(10) Qualifications of teachers, including a requirement that 25623
the school's classroom teachers be licensed in accordance with 25624
sections 3319.22 to 3319.31 of the Revised Code, except that a 25625
community school may engage noncertificated persons to teach up to 25626
twelve hours or forty hours per week pursuant to section 3319.301 25627
of the Revised Code. 25628

(11) That the school will comply with the following 25629
requirements: 25630

(a) The school will provide learning opportunities to a 25631
minimum of twenty-five students for a minimum of nine hundred 25632
twenty hours per school year. 25633

(b) The governing authority will purchase liability 25634
insurance, or otherwise provide for the potential liability of the 25635
school. 25636

(c) The school will be nonsectarian in its programs, 25637
admission policies, employment practices, and all other 25638
operations, and will not be operated by a sectarian school or 25639
religious institution. 25640

(d) The school will comply with sections 9.90, 9.91, 109.65, 25641
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 25642
3301.0712, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.472, 25643
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 25644
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 25645
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 25646
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 25647
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 25648
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 25649
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 25650
3319.077, 3319.078, 3319.0812, 3319.318, 3319.321, 3319.39, 25651
3319.391, 3319.393, 3319.394, 3319.41, 3319.46, 3320.01, 3320.02, 25652

3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 25653
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 25654
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 25655
4123., 4141., and 4167. of the Revised Code as if it were a school 25656
district and will comply with section 3301.0714 of the Revised 25657
Code in the manner specified in section 3314.17 of the Revised 25658
Code. 25659

(e) The school shall comply with Chapter 102. and section 25660
2921.42 of the Revised Code. 25661

(f) The school will comply with sections 3313.61, 3313.611, 25662
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 25663
except that for students who enter ninth grade for the first time 25664
before July 1, 2010, the requirement in sections 3313.61 and 25665
3313.611 of the Revised Code that a person must successfully 25666
complete the curriculum in any high school prior to receiving a 25667
high school diploma may be met by completing the curriculum 25668
adopted by the governing authority of the community school rather 25669
than the curriculum specified in Title XXXIII of the Revised Code 25670
or any rules of the state board of education. Beginning with 25671
students who enter ninth grade for the first time on or after July 25672
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 25673
Revised Code that a person must successfully complete the 25674
curriculum of a high school prior to receiving a high school 25675
diploma shall be met by completing the requirements prescribed in 25676
division (C) of section 3313.603 of the Revised Code, unless the 25677
person qualifies under division (D) or (F) of that section. Each 25678
school shall comply with the plan for awarding high school credit 25679
based on demonstration of subject area competency, and beginning 25680
with the 2017-2018 school year, with the updated plan that permits 25681
students enrolled in seventh and eighth grade to meet curriculum 25682
requirements based on subject area competency adopted by the state 25683
board of education under divisions (J)(1) and (2) of section 25684

3313.603 of the Revised Code. Beginning with the 2018-2019 school 25685
year, the school shall comply with the framework for granting 25686
units of high school credit to students who demonstrate subject 25687
area competency through work-based learning experiences, 25688
internships, or cooperative education developed by the department 25689
under division (J)(3) of section 3313.603 of the Revised Code. 25690

(g) The school governing authority will submit within four 25691
months after the end of each school year a report of its 25692
activities and progress in meeting the goals and standards of 25693
divisions (A)(3) and (4) of this section and its financial status 25694
to the sponsor and the parents of all students enrolled in the 25695
school. 25696

(h) The school, unless it is an internet- or computer-based 25697
community school, will comply with section 3313.801 of the Revised 25698
Code as if it were a school district. 25699

(i) If the school is the recipient of moneys from a grant 25700
awarded under the federal race to the top program, Division (A), 25701
Title XIV, Sections 14005 and 14006 of the "American Recovery and 25702
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 25703
school will pay teachers based upon performance in accordance with 25704
section 3317.141 and will comply with section 3319.111 of the 25705
Revised Code as if it were a school district. 25706

(j) If the school operates a preschool program that is 25707
licensed by the department of education under sections 3301.52 to 25708
3301.59 of the Revised Code, the school shall comply with sections 25709
3301.50 to 3301.59 of the Revised Code and the minimum standards 25710
for preschool programs prescribed in rules adopted by the state 25711
board under section 3301.53 of the Revised Code. 25712

(k) The school will comply with sections 3313.6021 and 25713
3313.6023 of the Revised Code as if it were a school district 25714
unless it is either of the following: 25715

(i) An internet- or computer-based community school;	25716
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.	25717 25718 25719
(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.	25720 25721 25722 25723
(12) Arrangements for providing health and other benefits to employees;	25724 25725
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	25726 25727 25728 25729
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	25730 25731
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	25732 25733 25734
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	25735 25736 25737
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or	25738 25739 25740 25741 25742 25743 25744 25745

any specified group of employees provided the delegation is not 25746
prohibited by a collective bargaining agreement applicable to such 25747
employees; 25748

(18) Provisions establishing procedures for resolving 25749
disputes or differences of opinion between the sponsor and the 25750
governing authority of the community school; 25751

(19) A provision requiring the governing authority to adopt a 25752
policy regarding the admission of students who reside outside the 25753
district in which the school is located. That policy shall comply 25754
with the admissions procedures specified in sections 3314.06 and 25755
3314.061 of the Revised Code and, at the sole discretion of the 25756
authority, shall do one of the following: 25757

(a) Prohibit the enrollment of students who reside outside 25758
the district in which the school is located; 25759

(b) Permit the enrollment of students who reside in districts 25760
adjacent to the district in which the school is located; 25761

(c) Permit the enrollment of students who reside in any other 25762
district in the state. 25763

(20) A provision recognizing the authority of the department 25764
of education to take over the sponsorship of the school in 25765
accordance with the provisions of division (C) of section 3314.015 25766
of the Revised Code; 25767

(21) A provision recognizing the sponsor's authority to 25768
assume the operation of a school under the conditions specified in 25769
division (B) of section 3314.073 of the Revised Code; 25770

(22) A provision recognizing both of the following: 25771

(a) The authority of public health and safety officials to 25772
inspect the facilities of the school and to order the facilities 25773
closed if those officials find that the facilities are not in 25774
compliance with health and safety laws and regulations; 25775

(b) The authority of the department of education as the 25776
community school oversight body to suspend the operation of the 25777
school under section 3314.072 of the Revised Code if the 25778
department has evidence of conditions or violations of law at the 25779
school that pose an imminent danger to the health and safety of 25780
the school's students and employees and the sponsor refuses to 25781
take such action. 25782

(23) A description of the learning opportunities that will be 25783
offered to students including both classroom-based and 25784
non-classroom-based learning opportunities that is in compliance 25785
with criteria for student participation established by the 25786
department under division (H)(2) of section 3314.08 of the Revised 25787
Code; 25788

(24) The school will comply with sections 3302.04 and 25789
3302.041 of the Revised Code, except that any action required to 25790
be taken by a school district pursuant to those sections shall be 25791
taken by the sponsor of the school. However, the sponsor shall not 25792
be required to take any action described in division (F) of 25793
section 3302.04 of the Revised Code. 25794

(25) Beginning in the 2006-2007 school year, the school will 25795
open for operation not later than the thirtieth day of September 25796
each school year, unless the mission of the school as specified 25797
under division (A)(2) of this section is solely to serve dropouts. 25798
In its initial year of operation, if the school fails to open by 25799
the thirtieth day of September, or within one year after the 25800
adoption of the contract pursuant to division (D) of section 25801
3314.02 of the Revised Code if the mission of the school is solely 25802
to serve dropouts, the contract shall be void. 25803

(26) Whether the school's governing authority is planning to 25804
seek designation for the school as a STEM school equivalent under 25805
section 3326.032 of the Revised Code; 25806

(27) That the school's attendance and participation policies will be available for public inspection;	25807 25808
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	25809 25810 25811 25812 25813 25814 25815
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	25816 25817 25818
(a) An indication of what blended learning model or models will be used;	25819 25820
(b) A description of how student instructional needs will be determined and documented;	25821 25822
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	25823 25824
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	25825 25826
(e) A statement describing how student progress will be monitored;	25827 25828
(f) A statement describing how private student data will be protected;	25829 25830
(g) A description of the professional development activities that will be offered to teachers.	25831 25832
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	25833 25834 25835 25836

(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.

(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.

(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant

to section 3314.072 of the Revised Code, or terminate the contract 25898
of the school pursuant to section 3314.07 of the Revised Code as 25899
determined necessary by the sponsor; 25900

(6) Have in place a plan of action to be undertaken in the 25901
event the community school experiences financial difficulties or 25902
closes prior to the end of a school year. 25903

(E) Upon the expiration of a contract entered into under this 25904
section, the sponsor of a community school may, with the approval 25905
of the governing authority of the school, renew that contract for 25906
a period of time determined by the sponsor, but not ending earlier 25907
than the end of any school year, if the sponsor finds that the 25908
school's compliance with applicable laws and terms of the contract 25909
and the school's progress in meeting the academic goals prescribed 25910
in the contract have been satisfactory. Any contract that is 25911
renewed under this division remains subject to the provisions of 25912
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 25913

(F) If a community school fails to open for operation within 25914
one year after the contract entered into under this section is 25915
adopted pursuant to division (D) of section 3314.02 of the Revised 25916
Code or permanently closes prior to the expiration of the 25917
contract, the contract shall be void and the school shall not 25918
enter into a contract with any other sponsor. A school shall not 25919
be considered permanently closed because the operations of the 25920
school have been suspended pursuant to section 3314.072 of the 25921
Revised Code. 25922

Sec. 3314.06. The governing authority of each community 25923
school established under this chapter shall adopt admission 25924
procedures that specify the following: 25925

(A) That, except as otherwise provided in this section, 25926
admission to the school shall be open to any individual age five 25927
to twenty-two entitled to attend school pursuant to section 25928

3313.64 or 3313.65 of the Revised Code in a school district in the state. 25929
25930

Additionally, except as otherwise provided in this section, 25931
admission to the school may be open on a tuition basis to any 25932
individual age five to twenty-two who is not a resident of this 25933
state. The school shall not receive state funds under section 25934
3314.08 of the Revised Code for any student who is not a resident 25935
of this state. 25936

An individual younger than five years of age may be admitted 25937
to the school in accordance with division (A)(2) of section 25938
3321.01 of the Revised Code. The school shall receive funds for an 25939
individual admitted under that division in the manner provided 25940
under section 3314.08 of the Revised Code. 25941

If the school operates a program that uses the Montessori 25942
method endorsed by the American Montessori society, the Montessori 25943
accreditation council for teacher education, or the association 25944
Montessori internationale as its primary method of instruction, 25945
admission to the school may be open to individuals younger than 25946
five years of age. ~~The department of education shall pay the~~ 25947
~~school an amount equal to the formula amount, as defined in~~ 25948
~~section 3317.02 of the Revised Code, for each of these students~~ 25949
~~younger than four years of age. However, but~~ the school shall not 25950
receive ~~any other~~ funds under this chapter for those individuals. 25951
Notwithstanding anything to the contrary in this chapter, 25952
individuals younger than five years of age who are enrolled in a 25953
Montessori program shall be offered at least four hundred 25954
fifty-five hours of learning opportunities per school year. 25955

If the school operates a preschool program that is licensed 25956
by the department of education under sections 3301.52 to 3301.59 25957
of the Revised Code, admission to the school may be open to 25958
individuals who are younger than five years of age, but the school 25959
shall not receive funds under this chapter for those individuals. 25960

(B)(1) That admission to the school may be limited to 25961
students who have attained a specific grade level or are within a 25962
specific age group; to students that meet a definition of 25963
"at-risk," as defined in the contract; to residents of a specific 25964
geographic area within the district, as defined in the contract; 25965
or to separate groups of autistic students and nondisabled 25966
students, as authorized in section 3314.061 of the Revised Code 25967
and as defined in the contract. 25968

(2) For purposes of division (B)(1) of this section, 25969
"at-risk" students may include those students identified as gifted 25970
students under section 3324.03 of the Revised Code. 25971

(C) Whether enrollment is limited to students who reside in 25972
the district in which the school is located or is open to 25973
residents of other districts, as provided in the policy adopted 25974
pursuant to the contract. 25975

(D)(1) That there will be no discrimination in the admission 25976
of students to the school on the basis of race, creed, color, 25977
disability, or sex except that: 25978

(a) The governing authority may do either of the following 25979
for the purpose described in division (G) of this section: 25980

(i) Establish a single-gender school for either sex; 25981

(ii) Establish single-gender schools for each sex under the 25982
same contract, provided substantially equal facilities and 25983
learning opportunities are offered for both boys and girls. Such 25984
facilities and opportunities may be offered for each sex at 25985
separate locations. 25986

(b) The governing authority may establish a school that 25987
simultaneously serves a group of students identified as autistic 25988
and a group of students who are not disabled, as authorized in 25989
section 3314.061 of the Revised Code. However, unless the total 25990
capacity established for the school has been filled, no student 25991

with any disability shall be denied admission on the basis of that disability. 25992
25993

(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws regarding the education of students with disabilities. 25994
25995
25996

(E) That the school may not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section. 25997
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(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities. 26002
26003
26004

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education. 26005
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(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment. 26010
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Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

Sec. 3314.08. (A) As used in this section and sections 3314.085 and 3314.089 of the Revised Code:

(1)(a) "Category one career-technical education student" means a student who is receiving the career-technical education services described in division (A)(1) of section 3317.014 of the Revised Code.

(b) "Category two career-technical student" means a student who is receiving the career-technical education services described in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code.

(c) "Category three career-technical student" means a student who is receiving the career-technical education services described in division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code.

(d) "Category four career-technical student" means a student who is receiving the career-technical education services described in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code.

(e) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code.

(2)(a) "Category one English learner" means an English learner described in division (A) of section 3317.016 of the Revised Code.

(b) "Category two English learner" means an English learner described in division (B) of section 3317.016 of the Revised Code.

(c) "Category three English learner" means an English learner

described in division (C) of section 3317.016 of the Revised Code. 26053

(3)(a) "Category one special education student" means a 26054
student who is receiving special education services for a 26055
disability specified in division (A) of section 3317.013 of the 26056
Revised Code. 26057

(b) "Category two special education student" means a student 26058
who is receiving special education services for a disability 26059
specified in division (B) of section 3317.013 of the Revised Code. 26060

(c) "Category three special education student" means a 26061
student who is receiving special education services for a 26062
disability specified in division (C) of section 3317.013 of the 26063
Revised Code. 26064

(d) "Category four special education student" means a student 26065
who is receiving special education services for a disability 26066
specified in division (D) of section 3317.013 of the Revised Code. 26067

(e) "Category five special education student" means a student 26068
who is receiving special education services for a disability 26069
specified in division (E) of section 3317.013 of the Revised Code. 26070

(f) "Category six special education student" means a student 26071
who is receiving special education services for a disability 26072
specified in division (F) of section 3317.013 of the Revised Code. 26073

(4) ~~"Formula amount" has the same meaning as in section~~ 26074
~~3317.02 of the Revised Code~~ "Economically disadvantaged index for 26075
a community school" means the square of the quotient of the 26076
percentage of students enrolled in the school who are identified 26077
as economically disadvantaged as defined by the department of 26078
education, divided by the percentage of students in the statewide 26079
ADM identified as economically disadvantaged. For purposes of this 26080
calculation, the "statewide ADM" equals the "statewide ADM" for 26081
city, local, and exempted village school districts described in 26082
division (F)(1) of section 3317.02 of the Revised Code. 26083

(5) "Funding base" means the following: 26084

(a) For a community school that was in operation for the 26085
entirety of fiscal year 2020, the amount paid to the school for 26086
that fiscal year under division (C)(1) of this section as that 26087
division existed prior to the effective date of this amendment in 26088
accordance with division (A) of Section 265.230 of H.B. 166 of the 26089
133rd general assembly and the amount, if any, paid to the school 26090
for that fiscal year under section 3314.085 of the Revised Code in 26091
accordance with division (B) of Section 265.230 of H.B. 166 of the 26092
133rd general assembly; 26093

(b) For a community school that was in operation for part of 26094
fiscal year 2020, the amount that would have been paid to the 26095
school for that fiscal year under division (C)(1) of this section 26096
as that division existed prior to the effective date of this 26097
amendment in accordance with division (A) of Section 265.230 of 26098
H.B. 166 of the 133rd general assembly if the school had been in 26099
operation for the entirety of that fiscal year, as calculated by 26100
the department, and the amount that would have been paid to the 26101
school for that fiscal year under section 3314.085 of the Revised 26102
Code in accordance with division (B) of Section 265.230 of H.B. 26103
166 of the 133rd general assembly, if any, if the school had been 26104
in operation for the entirety of that fiscal year, as calculated 26105
by the department; 26106

(c) For a community school that was not in operation for 26107
fiscal year 2020, the amount that would have been paid to the 26108
school if it was in operation for that school year under division 26109
(C)(1) of this section as that division existed prior to the 26110
effective date of this amendment in accordance with division (A) 26111
of Section 265.230 of H.B. 166 of the 133rd general assembly if 26112
the school had been in operation for the entirety of that fiscal 26113
year, as calculated by the department, and the amount that would 26114
have been paid to the school for that fiscal year under section 26115

3314.085 of the Revised Code in accordance with division (B) of 26116
Section 265.230 of H.B. 166 of the 133rd general assembly, if any, 26117
if the school had been in operation for the entirety of that 26118
fiscal year, as calculated by the department. 26119

(6) "IEP" has the same meaning as in section 3323.01 of the 26120
Revised Code. 26121

~~(6) "Resident district" means the school district in which a~~ 26122
~~student is entitled to attend school under section 3313.64 or~~ 26123
~~3313.65 of the Revised Code.~~ 26124

(7) ~~"State education aid" has the same meaning as in section~~ 26125
~~5751.20 of the Revised Code~~ A community school's "general phase-in 26126
percentage" for a fiscal year is equal to the general phase-in 26127
percentage for that fiscal year for city, local, exempted village, 26128
and joint vocational school districts as defined in section 26129
3317.02 of the Revised Code. 26130

(8) "Statewide average base cost per pupil" and "statewide 26131
average career-technical base cost per pupil" have the same 26132
meanings as in section 3317.02 of the Revised Code. 26133

(B) The state board of education shall adopt rules requiring 26134
both of the following: 26135

(1) The board of education of each city, exempted village, 26136
and local school district to annually report the number of 26137
students entitled to attend school in the district who are 26138
enrolled in each grade kindergarten through twelve in a community 26139
school established under this chapter, and for each child, the 26140
community school in which the child is enrolled. 26141

(2) The governing authority of each community school 26142
established under this chapter to annually report all of the 26143
following: 26144

(a) The number of students enrolled in grades one through 26145

twelve and the full-time equivalent number of students enrolled in 26146
kindergarten in the school who are not receiving special education 26147
and related services pursuant to an IEP; 26148

(b) The number of enrolled students in grades one through 26149
twelve and the full-time equivalent number of enrolled students in 26150
kindergarten, who are receiving special education and related 26151
services pursuant to an IEP; 26152

(c) The number of students reported under division (B)(2)(b) 26153
of this section receiving special education and related services 26154
pursuant to an IEP for a disability described in each of divisions 26155
(A) to (F) of section 3317.013 of the Revised Code; 26156

(d) The full-time equivalent number of students reported 26157
under divisions (B)(2)(a) and (b) of this section who are enrolled 26158
in career-technical education programs or classes described in 26159
each of divisions (A)(1) to ~~(E)~~(5) of section 3317.014 of the 26160
Revised Code that are provided by the community school; 26161

(e) The number of students reported under divisions (B)(2)(a) 26162
and (b) of this section who are not reported under division 26163
(B)(2)(d) of this section but who are enrolled in career-technical 26164
education programs or classes described in each of divisions 26165
(A)(1) to ~~(E)~~ (5) of section 3317.014 of the Revised Code at a 26166
joint vocational school district or another district in the 26167
career-technical planning district to which the school is 26168
assigned; 26169

(f) The number of students reported under divisions (B)(2)(a) 26170
and (b) of this section who are category one to three English 26171
learners described in each of divisions (A) to (C) of section 26172
3317.016 of the Revised Code; 26173

(g) The number of students reported under divisions (B)(2)(a) 26174
and (b) of this section who are economically disadvantaged, as 26175
defined by the department. A student shall not be categorically 26176

excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income.

(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(i) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B)(2)(a) to (h) of this section any student for whom tuition is charged under division (F) of this section.

~~(C)(1)~~ (C) For each fiscal year, the department of education shall compute and distribute state core foundation funding to each community school established under this chapter in an amount calculated in accordance with section 3314.0810 of the Revised Code.

(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), ~~and (4), (5), (6), and (7)~~ of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall ~~deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the~~

~~sum~~ calculate all of the following: 26208

(a) ~~An opportunity grant in an amount equal to the formula~~ 26209
~~amount; The school's base cost per pupil for that fiscal year,~~ 26210
calculated as follows: 26211

The aggregate base cost calculated for the school for that fiscal 26212
year under section 3314.085 of the Revised Code / the number of 26213
students enrolled in the school for that fiscal year 26214

(b) ~~The per pupil amount of targeted assistance funds~~ 26215
~~calculated under division (A) of section 3317.0217 of the Revised~~ 26216
~~Code for the student's resident district, as determined by the~~ 26217
~~department, X 0.25;~~ 26218

~~(c)~~ Additional state aid for special education and related 26219
services provided under Chapter 3323. of the Revised Code as 26220
follows: 26221

(i) If the student is a category one special education 26222
student, the ~~amount~~ multiple specified in division (A) of section 26223
3317.013 of the Revised Code X the statewide average base cost per 26224
pupil for that fiscal year; 26225

(ii) If the student is a category two special education 26226
student, the ~~amount~~ multiple specified in division (B) of section 26227
3317.013 of the Revised Code X the statewide average base cost per 26228
pupil for that fiscal year; 26229

(iii) If the student is a category three special education 26230
student, the ~~amount~~ multiple specified in division (C) of section 26231
3317.013 of the Revised Code X the statewide average base cost per 26232
pupil for that fiscal year; 26233

(iv) If the student is a category four special education 26234
student, the ~~amount~~ multiple specified in division (D) of section 26235
3317.013 of the Revised Code X the statewide average base cost per 26236
pupil for that fiscal year; 26237

(v) If the student is a category five special education student, the ~~amount~~ multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(vi) If the student is a category six special education student, the ~~amount~~ multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

~~(d) If the student is in kindergarten through third grade, an additional amount of \$320;~~

~~(e)~~(c) If the student is economically disadvantaged, an additional amount of disadvantaged pupil impact aid equal to the following:

~~\$272~~ \$422 X the ~~resident district's~~ school's economically disadvantaged index

~~(f)~~(d) English learner funds as follows:

(i) If the student is a category one English learner, the ~~amount~~ multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(ii) If the student is a category two English learner, the ~~amount~~ multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year;

(iii) If the student is a category three English learner, the ~~amount~~ multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year.

~~(g) If the student is reported under division (B)(2)(d) of this section, career technical education funds as follows:~~

(i) If the student is a category one career technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	26268 26269 26270
(ii) If the student is a category two career technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	26271 26272 26273
(iii) If the student is a category three career technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	26274 26275 26276
(iv) If the student is a category four career technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	26277 26278 26279
(v) If the student is a category five career technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	26280 26281 26282
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career technical planning district or the department of education under section 3317.161 of the Revised Code.	26283 26284 26285 26286
(2) When deducting from the state education aid of a student's resident district for students enrolled in <u>In the case of</u> an internet- or computer-based community school <u>and making</u> payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a), (e), and (g)<u>(b)</u> of this section.	26287 26288 26289 26290 26291 26292
No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), <u>(C)(1)(c)</u> or (d), (e), or (f) of this section.	26293 26294 26295
(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant	26296 26297

to an IEP for a disability described in divisions (B) to (F) of 26298
section 3317.013 of the Revised Code exceed the threshold 26299
catastrophic cost for serving the student as specified in division 26300
(B) of section 3317.0214 of the Revised Code, the school may 26301
submit to the superintendent of public instruction documentation, 26302
as prescribed by the superintendent, of all its costs for that 26303
student. Upon submission of documentation for a student of the 26304
type and in the manner prescribed, the department shall pay to the 26305
community school an amount equal to the school's costs for the 26306
student in excess of the threshold catastrophic costs. 26307

(b) The community school shall report under division 26308
(C)(3)(a) of this section, and the department shall pay for, only 26309
the costs of educational expenses and the related services 26310
provided to the student in accordance with the student's 26311
individualized education program. Any legal fees, court costs, or 26312
other costs associated with any cause of action relating to the 26313
student may not be included in the amount. 26314

~~(4) In any fiscal year, a community school receiving funds 26315
under division (C)(1)(g) of this section shall spend those funds 26316
only for the purposes that the department designates as approved 26317
for career technical education expenses. Career technical 26318
education expenses approved by the department shall include only 26319
expenses connected to the delivery of career technical programming 26320
to career technical students. The department shall require the 26321
school to report data annually so that the department may monitor 26322
the school's compliance with the requirements regarding the manner 26323
in which funding received under division (C)(1)(g) of this section 26324
may be spent. 26325~~

~~(5) Notwithstanding anything to the contrary in section 26326
3313.90 of the Revised Code, except as provided in division (C)(9) 26327
of this section, all funds received under division (C)(1)(g) of 26328
this section shall be spent in the following manner: 26329~~

~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~

~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~

~~(6) A community school shall spend the funds it receives under division (C)(1)(e) (C)(1)(c) of this section in accordance with section 3317.25 of the Revised Code.~~

(5) In any fiscal year, a community school shall spend the funds it receives under division (C)(1)(d) of this section only for services for English learners.

~~(7) If the sum of the payments computed under divisions (C)(1) and (8)(a) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.~~

~~(8)(a) Subject to division (C)(7) of this section, the department annually shall pay to each community school, including each internet or computer based community school, an amount equal to the following:~~

~~(The number of students reported by the community school under division (B)(2)(c) of this section X the formula amount X .20)~~ 26361
26362
26363

~~(b) For each payment made to a community school under division (C)(8)(a) of this section, the department shall deduct from the state education aid of each city, local, and exempted village school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code an amount equal to the following:~~ 26364
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26366
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26369

~~(The number of the district's students reported by the community school under division (B)(2)(c) of this section X the formula amount X .20)~~ 26370
26371
26372

~~(9) The department may waive the requirement in division (C)(5) of this section for any community school that exclusively provides one or more career technical workforce development programs in arts and communications that are not equipment intensive, as determined by the department.~~ 26373
26374
26375
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(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school. 26378
26379
26380
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(E) A community school may not levy taxes or issue bonds secured by tax revenues. 26383
26384

(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state. 26385
26386
26387
26388

(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the 26389
26390
26391

school pursuant to division (C) of this section and section 26392
3314.089 of the Revised Code. The school may issue notes to 26393
evidence such borrowing. The proceeds of the notes shall be used 26394
only for the purposes for which the anticipated receipts may be 26395
lawfully expended by the school. 26396

(b) A school may also borrow money for a term not to exceed 26397
fifteen years for the purpose of acquiring facilities. 26398

(2) Except for any amount guaranteed under section 3318.50 of 26399
the Revised Code, the state is not liable for debt incurred by the 26400
governing authority of a community school. 26401

(H) The department of education shall adjust the amounts 26402
~~subtracted and~~ paid under division (C) of this section and section 26403
3314.089 of the Revised Code to reflect any enrollment of students 26404
in community schools for less than the equivalent of a full school 26405
year. The state board of education within ninety days after April 26406
8, 2003, shall adopt in accordance with Chapter 119. of the 26407
Revised Code rules governing the payments to community schools 26408
under this section including initial payments in a school year and 26409
adjustments and reductions made in subsequent periodic payments to 26410
community schools ~~and corresponding deductions from school~~
~~district accounts~~ as provided under division (C) of this section 26411
and section 3314.089 of the Revised Code. For purposes of this 26412
section: 26413
26414

(1) A student shall be considered enrolled in the community 26415
school for any portion of the school year the student is 26416
participating at a college under Chapter 3365. of the Revised 26417
Code. 26418

(2) A student shall be considered to be enrolled in a 26419
community school for the period of time beginning on the later of 26420
the date on which the school both has received documentation of 26421
the student's enrollment from a parent and the student has 26422

commenced participation in learning opportunities as defined in 26423
the contract with the sponsor, or thirty days prior to the date on 26424
which the student is entered into the education management 26425
information system established under section 3301.0714 of the 26426
Revised Code. For purposes of applying this division and divisions 26427
(H)(3) and (4) of this section to a community school student, 26428
"learning opportunities" shall be defined in the contract, which 26429
shall describe both classroom-based and non-classroom-based 26430
learning opportunities and shall be in compliance with criteria 26431
and documentation requirements for student participation which 26432
shall be established by the department. Any student's instruction 26433
time in non-classroom-based learning opportunities shall be 26434
certified by an employee of the community school. A student's 26435
enrollment shall be considered to cease on the date on which any 26436
of the following occur: 26437

(a) The community school receives documentation from a parent 26438
terminating enrollment of the student. 26439

(b) The community school is provided documentation of a 26440
student's enrollment in another public or private school. 26441

(c) The community school ceases to offer learning 26442
opportunities to the student pursuant to the terms of the contract 26443
with the sponsor or the operation of any provision of this 26444
chapter. 26445

Except as otherwise specified in this paragraph, beginning in 26446
the 2011-2012 school year, any student who completed the prior 26447
school year in an internet- or computer-based community school 26448
shall be considered to be enrolled in the same school in the 26449
subsequent school year until the student's enrollment has ceased 26450
as specified in division (H)(2) of this section. The department 26451
shall continue ~~subtracting and~~ paying amounts for the student 26452
under division (C) of this section and section 3314.089 of the 26453
Revised Code without interruption at the start of the subsequent 26454

school year. However, if the student without a legitimate excuse 26455
fails to participate in the first seventy-two consecutive hours of 26456
learning opportunities offered to the student in that subsequent 26457
school year, the student shall be considered not to have 26458
re-enrolled in the school for that school year and the department 26459
shall recalculate the payments to the school for that school year 26460
to account for the fact that the student is not enrolled. 26461

(3) The department shall determine each community school 26462
student's percentage of full-time equivalency based on the 26463
percentage of learning opportunities offered by the community 26464
school to that student, reported either as number of hours or 26465
number of days, is of the total learning opportunities offered by 26466
the community school to a student who attends for the school's 26467
entire school year. However, no internet- or computer-based 26468
community school shall be credited for any time a student spends 26469
participating in learning opportunities beyond ten hours within 26470
any period of twenty-four consecutive hours. Whether it reports 26471
hours or days of learning opportunities, each community school 26472
shall offer not less than nine hundred twenty hours of learning 26473
opportunities during the school year. 26474

(4) With respect to the calculation of full-time equivalency 26475
under division (H)(3) of this section, the department shall waive 26476
the number of hours or days of learning opportunities not offered 26477
to a student because the community school was closed during the 26478
school year due to disease epidemic, hazardous weather conditions, 26479
law enforcement emergencies, inoperability of school buses or 26480
other equipment necessary to the school's operation, damage to a 26481
school building, or other temporary circumstances due to utility 26482
failure rendering the school building unfit for school use, so 26483
long as the school was actually open for instruction with students 26484
in attendance during that school year for not less than the 26485
minimum number of hours required by this chapter. The department 26486

shall treat the school as if it were open for instruction with 26487
students in attendance during the hours or days waived under this 26488
division. 26489

(I) The department of education shall reduce the amounts paid 26490
under this section and section 3314.089 of the Revised Code to 26491
reflect payments made to colleges under section 3365.07 of the 26492
Revised Code. 26493

(J)(1) No student shall be considered enrolled in any 26494
internet- or computer-based community school or, if applicable to 26495
the student, in any community school that is required to provide 26496
the student with a computer pursuant to division (C) of section 26497
3314.22 of the Revised Code, unless both of the following 26498
conditions are satisfied: 26499

(a) The student possesses or has been provided with all 26500
required hardware and software materials and all such materials 26501
are operational so that the student is capable of fully 26502
participating in the learning opportunities specified in the 26503
contract between the school and the school's sponsor as required 26504
by division (A)(23) of section 3314.03 of the Revised Code; 26505

(b) The school is in compliance with division (A) of section 26506
3314.22 of the Revised Code, relative to such student. 26507

(2) In accordance with policies adopted by the superintendent 26508
of public instruction, in consultation with the auditor of state, 26509
the department shall reduce the amounts otherwise payable under 26510
division (C) of this section and section 3314.089 of the Revised 26511
Code to any community school that includes in its program the 26512
provision of computer hardware and software materials to any 26513
student, if such hardware and software materials have not been 26514
delivered, installed, and activated for each such student in a 26515
timely manner or other educational materials or services have not 26516
been provided according to the contract between the individual 26517

community school and its sponsor. 26518

The superintendent of public instruction and the auditor of 26519
state shall jointly establish a method for auditing any community 26520
school to which this division pertains to ensure compliance with 26521
this section. 26522

The superintendent, auditor of state, and the governor shall 26523
jointly make recommendations to the general assembly for 26524
legislative changes that may be required to assure fiscal and 26525
academic accountability for such schools. 26526

(K)(1) If the department determines that a review of a 26527
community school's enrollment is necessary, such review shall be 26528
completed and written notice of the findings shall be provided to 26529
the governing authority of the community school and its sponsor 26530
within ninety days of the end of the community school's fiscal 26531
year, unless extended for a period not to exceed thirty additional 26532
days for one of the following reasons: 26533

(a) The department and the community school mutually agree to 26534
the extension. 26535

(b) Delays in data submission caused by either a community 26536
school or its sponsor. 26537

(2) If the review results in a finding that additional 26538
funding is owed to the school, such payment shall be made within 26539
thirty days of the written notice. If the review results in a 26540
finding that the community school owes moneys to the state, the 26541
following procedure shall apply: 26542

(a) Within ten business days of the receipt of the notice of 26543
findings, the community school may appeal the department's 26544
determination to the state board of education or its designee. 26545

(b) The board or its designee shall conduct an informal 26546
hearing on the matter within thirty days of receipt of such an 26547

appeal and shall issue a decision within fifteen days of the 26548
conclusion of the hearing. 26549

(c) If the board has enlisted a designee to conduct the 26550
hearing, the designee shall certify its decision to the board. The 26551
board may accept the decision of the designee or may reject the 26552
decision of the designee and issue its own decision on the matter. 26553

(d) Any decision made by the board under this division is 26554
final. 26555

(3) If it is decided that the community school owes moneys to 26556
the state, the department shall deduct such amount from the 26557
school's future payments in accordance with guidelines issued by 26558
the superintendent of public instruction. 26559

(L) The department shall not ~~subtract from a school~~ 26560
~~district's state aid account and shall not~~ pay to a community 26561
school under division (C) of this section and section 3314.089 of 26562
the Revised Code any amount for any of the following: 26563

(1) Any student who has graduated from the twelfth grade of a 26564
public or nonpublic high school; 26565

(2) Any student who is not a resident of the state; 26566

(3) Any student who was enrolled in the community school 26567
during the previous school year when assessments were administered 26568
under section 3301.0711 of the Revised Code but did not take one 26569
or more of the assessments required by that section and was not 26570
excused pursuant to division (C)(1) or (3) of that section, unless 26571
the superintendent of public instruction grants the student a 26572
waiver from the requirement to take the assessment and a parent is 26573
not paying tuition for the student pursuant to section 3314.26 of 26574
the Revised Code. The superintendent may grant a waiver only for 26575
good cause in accordance with rules adopted by the state board of 26576
education. 26577

(4) Any student who has attained the age of twenty-two years, 26578
except for veterans of the armed services whose attendance was 26579
interrupted before completing the recognized twelve-year course of 26580
the public schools by reason of induction or enlistment in the 26581
armed forces and who apply for enrollment in a community school 26582
not later than four years after termination of war or their 26583
honorable discharge. If, however, any such veteran elects to 26584
enroll in special courses organized for veterans for whom tuition 26585
is paid under federal law, or otherwise, the department shall not 26586
~~subtract from a school district's state aid account and shall not~~ 26587
pay to a community school under division (C) of this section and 26588
section 3314.089 of the Revised Code any amount for that veteran. 26589

Sec. 3314.084. (A) As used in this section: 26590

(1) "Formula ADM" has the same meaning as in section 3317.03 26591
of the Revised Code. 26592

(2) "Home" has the same meaning as in section 3313.64 of the 26593
Revised Code. 26594

(3) "School district of residence" has the same meaning as in 26595
section 3323.01 of the Revised Code; however, a community school 26596
established under this chapter is not a "school district of 26597
residence" for purposes of this section. 26598

(B) Notwithstanding anything to the contrary in section 26599
3314.08 or 3317.03 of the Revised Code, all of the following apply 26600
in the case of a child who is enrolled in a community school and 26601
is also living in a home: 26602

(1) For purposes of the report required under division (B)(1) 26603
of section 3314.08 of the Revised Code, the child's school 26604
district of residence, and not the school district in which the 26605
home that the child is living in is located, shall be considered 26606
to be the school district in which the child is entitled to attend 26607

school. That school district of residence, therefore, shall make 26608
the report required under division (B)(1) of section 3314.08 of 26609
the Revised Code with respect to the child. 26610

(2) For purposes of the report required under division (B)(2) 26611
of section 3314.08 of the Revised Code, the community school shall 26612
report the name of the child's school district of residence. 26613

(3) The child's school district of residence shall count the 26614
child in that district's formula ADM. 26615

(4) The school district in which the home that the child is 26616
living in is located shall not count the child in that district's 26617
formula ADM. 26618

~~(5) The department of education shall deduct the applicable 26619
amounts prescribed under division (C) of section 3314.08 of the 26620
Revised Code from the child's school district of residence and 26621
shall not deduct those amounts from the school district in which 26622
the home that the child is living in is located. 26623~~

~~(6) The department shall make the payments prescribed in 26624
division (C) of section 3314.08 of the Revised Code, as 26625
applicable, to the community school. 26626~~

Sec. 3314.085. (A) As used in this section: 26627

(1) "Average teacher cost" for a fiscal year has the same 26628
meaning as in section 3317.011 of the Revised Code. 26629

(2) "Base cost enrolled ADM" has the same meaning as in 26630
section 3317.02 of the Revised Code. 26631

(3) "Eligible community school" means a community school that 26632
satisfies one of the following: 26633

(a) The school is a member of an organization that regulates 26634
interscholastic athletics. 26635

(b) The school has teams in at least three different sports 26636

that participate in an interscholastic league. 26637

(B) When calculating a community school's aggregate base cost 26638
under this section, the department shall use data from fiscal year 26639
2018 for the average teacher cost. 26640

(C) A community school's aggregate base cost for a fiscal 26641
year shall be equal to the following sum: 26642

(The school's teacher base cost for that fiscal year computed 26643
under division (D) of this section) + (the school's student 26644
support base cost for that fiscal year computed under division (E) 26645
of this section) + (the school's leadership and accountability 26646
base cost for that fiscal year computed under division (F) of this 26647
section) + (the school's building leadership and operations base 26648
cost for that fiscal year computed under division (G) of this 26649
section) + (the school's athletic co-curricular activities base 26650
cost for that fiscal year computed under division (H) of this 26651
section, if the school is an eligible community school) 26652

(D) The department of education shall compute a community 26653
school's teacher base cost for a fiscal year as follows: 26654

(1) Calculate the school's classroom teacher cost for that 26655
fiscal year as follows: 26656

(a) Determine the full-time equivalency of students enrolled 26657
in the school for that fiscal year that are enrolled in 26658
kindergarten and divide that number by 20; 26659

(b) Determine the full-time equivalency of students enrolled 26660
in the school for that fiscal year that are enrolled in grades one 26661
through three and divide that number by 23; 26662

(c) Determine the full-time equivalency of students enrolled 26663
in the school for that fiscal year that are enrolled in grades 26664
four through eight but are not enrolled in a career-technical 26665
education program or class described under section 3317.014 of the 26666
Revised Code and divide that number by 25; 26667

(d) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27; 26668
26669
26670
26671
26672

(e) Determine the full-time equivalency of students enrolled in the school for that fiscal year that are enrolled in a career-technical education program or class, as reported under division (B)(2)(d) of section 3314.08 of the Revised Code, and divide that number by 18; 26673
26674
26675
26676
26677

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section; 26678
26679

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section. 26680
26681
26682

(2) Calculate the school's special teacher cost for that fiscal year as follows: 26683
26684

(a) Divide the number of students enrolled in the school for that fiscal year by 150; 26685
26686

(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year. 26687
26688
26689

(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula: 26690
26691

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16; 26692
26693

(b) Compute the substitute teacher cost in accordance with the following formula: 26694
26695

(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the 26696
26697

amount computed under division (D)(3)(a) of this section X 5 26698

(4) Calculate the school's professional development cost for 26699
that fiscal year in accordance with the following formula: 26700

(The sum computed under division (D)(1)(f) of this section + the 26701
quotient obtained under division (D)(2)(a) of this section) X 26702
[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of 26703
the Revised Code for that fiscal year)/180] X 4 26704

(5) Calculate the school's teacher base cost for that fiscal 26705
year, which equals the sum of divisions (D)(1), (2), (3), and (4) 26706
of this section. 26707

(E) The department shall compute a community school's student 26708
support base cost for a fiscal year as follows: 26709

The number of students enrolled in the school for that fiscal year 26710
X [(the sum of the student support base cost calculated for all 26711
city, local, and exempted village school districts in the state 26712
for that fiscal year under division (E) of section 3317.011 of the 26713
Revised Code) / the sum of the base cost enrolled ADMs of all of 26714
the city, local, and exempted village school districts in the 26715
state for that fiscal year] 26716

(F) The department shall compute a community school's 26717
leadership and accountability base cost for a fiscal year as 26718
follows: 26719

The number of students enrolled in the school for that fiscal year 26720
X (the sum of the leadership and accountability base cost 26721
calculated for all city, local, and exempted village school 26722
districts in the state for that fiscal year under division (F) of 26723
section 3317.011 of the Revised Code / the sum of the base cost 26724
enrolled ADMs of all of the city, local, and exempted village 26725
school districts in the state for that fiscal year) 26726

(G) The department shall compute a community school's 26727
building leadership and operations base cost for a fiscal year as 26728
follows: 26729

The number of students enrolled in the school for that fiscal year 26730
X (the sum of the building leadership and accountability base cost 26731
calculated for all city, local, and exempted village school 26732
districts in the state for that fiscal year under division (G) of 26733
section 3317.011 of the Revised Code / the sum of the base cost 26734
enrolled ADMs of all of the city, local, and exempted village 26735
school districts in the state for that fiscal year) 26736

(H) If a community school is an eligible community school, 26737
the department shall compute the school's athletic co-curricular 26738
activities base cost for a fiscal year as follows: 26739

The number of students enrolled in the school for that fiscal year 26740
X (the sum of the athletic co-curricular activities base cost 26741
calculated for all city, local, and exempted village school 26742
districts in the state for that fiscal year under division (H) of 26743
section 3317.011 of the Revised Code / the sum of the base cost 26744
enrolled ADMs of all of the city, local, and exempted village 26745
school districts in the state for that fiscal year) 26746

Sec. 3314.087. (A) As used in this section: 26747

(1) "Career-technical program" means career-technical 26748
programs or classes described in division (A)~~(1)~~, ~~(B)~~ ~~(2)~~, ~~(C)~~ 26749
~~(3)~~, ~~(D)~~ ~~(4)~~, or ~~(E)~~ ~~(5)~~ of section 3317.014 of the Revised Code 26750
in which a student is enrolled. 26751

(2) "~~Formula ADM,~~" "~~category~~ Category one through five 26752
career-technical education ADM₇" and "FTE basis" have the same 26753
meanings as in section 3317.02 of the Revised Code. 26754

(3) "Resident school district" means the city, exempted 26755
village, or local school district in which a student is entitled 26756
to attend school under section 3313.64 or 3313.65 of the Revised 26757
Code. 26758

(B) Notwithstanding anything to the contrary in this chapter 26759
or Chapter 3317. of the Revised Code, a student enrolled in a 26760

community school may simultaneously enroll in the career-technical 26761
program operated by the career-technical planning district to 26762
which the student's resident district belongs. On an FTE basis, 26763
the student's resident school district shall count the student in 26764
the category one through five career-technical education ADM for 26765
the proportion of the time the student is enrolled in a 26766
career-technical program of the career-technical planning district 26767
to which the student's resident district belongs and, accordingly, 26768
the department of education shall calculate funds under Chapter 26769
3317. for the resident district attributable to the student for 26770
the proportion of time the student attends the career-technical 26771
program. The community school shall count the student in its 26772
enrollment report under section 3314.08 of the Revised Code and 26773
shall report to the department the proportion of time that the 26774
student attends classes at the community school. The department 26775
shall pay the community school ~~and deduct from the student's~~ 26776
~~resident school district~~ the amount computed for the student under 26777
section 3314.08 of the Revised Code in proportion to the fraction 26778
of the time on an FTE basis that the student attends classes at 26779
the community school. "Full-time equivalency" for a community 26780
school student, as defined in division (H) of section 3314.08 of 26781
the Revised Code, does not apply to the student. 26782

Sec. 3314.089. (A) For each student enrolled in a community 26783
school established under this chapter, including an internet- or 26784
computer-based community school, and reported under division 26785
(B)(2) of section 3314.08 of the Revised Code, on a full-time 26786
equivalency basis, the department of education shall calculate 26787
career-technical education funds as follows: 26788

(1) If the student is a category one career-technical 26789
education student, the multiple specified in division (A)(1) of 26790
section 3317.014 of the Revised Code X the statewide average 26791
career-technical base cost per pupil for that fiscal year; 26792

(2) If the student is a category two career-technical education student, the multiple specified in division (A)(2) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 26793
26794
26795
26796

(3) If the student is a category three career-technical education student, the multiple specified in division (A)(3) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 26797
26798
26799
26800

(4) If the student is a category four career-technical education student, the multiple specified in division (A)(4) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year; 26801
26802
26803
26804

(5) If the student is a category five career-technical education student, the multiple specified in division (A)(5) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year. 26805
26806
26807
26808

Payment of funds calculated under division (A) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code. 26809
26810
26811
26812

(B) Subject to division (I) of section 3317.023 of the Revised Code, the department of education shall calculate career-technical associated services funds for each community school as follows: 26813
26814
26815
26816

The multiple for career-technical education associated services specified under division (B) of section 3317.014 of the Revised Code X the statewide average career-technical base cost per pupil for that fiscal year X the number of the school's students enrolled in career-technical education 26817
26818
26819
26820
26821

(C) Subject to division (I) of section 3317.023 of the Revised Code, the department shall pay career awareness and 26822
26823

exploration funds to each community school as follows: 26824

The number of students enrolled in the community school X \$2.50, 26825
for fiscal year 2022, \$5, for fiscal year 2023, \$7.50, for fiscal 26826
year 2024, or \$10, for fiscal year 2025 and each fiscal year 26827
thereafter 26828

(D) The department shall annually calculate for each 26829
community school, including each internet- or computer-based 26830
community school, an amount equal to the following: 26831

(The number of students reported by the community school under 26832
division (B)(2)(e) of section 3314.08 of the Revised Code X the 26833
school's base cost per pupil as specified under division (C)(1)(a) 26834
of section 3314.08 of the Revised Code X .20) 26835

(E) In any fiscal year, a community school receiving funds 26836
calculated under division (A) of this section shall spend those 26837
funds only for the purposes that the department designates as 26838
approved for career-technical education expenses. Career-technical 26839
education expenses approved by the department shall include only 26840
expenses connected to the delivery of career-technical programming 26841
to career-technical students. The department shall require the 26842
school to report data annually so that the department may monitor 26843
the school's compliance with the requirements regarding the manner 26844
in which funding received under division (A) of this section may 26845
be spent. 26846

(F) Notwithstanding anything to the contrary in section 26847
3313.90 of the Revised Code, except as provided in division (G) of 26848
this section, all funds received under division (A) of this 26849
section shall be spent in the following manner: 26850

(1) At least seventy-five per cent of the funds shall be 26851
spent on curriculum development, purchase, and implementation; 26852
instructional resources and supplies; industry-based program 26853
certification; student assessment, credentialing, and placement; 26854
curriculum specific equipment purchases and leases; 26855

career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs. 26856
26857
26858
26859
26860

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 26861
26862

(G) The department may waive the requirements in division (F) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department. 26863
26864
26865
26866
26867

(H) In any fiscal year, a community school receiving funds under division (H) of section 3317.014 of the Revised Code shall spend those funds only on the following purposes: 26868
26869
26870

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve; 26871
26872

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education; 26873
26874

(3) Assistance to teachers in providing a career development curriculum to students; 26875
26876

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education; 26877
26878
26879

(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level. 26880
26881
26882

The department may deny payment under division (C) of this section to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised 26883
26884
26885

Code for other purposes. 26886

Sec. 3314.0810. For each fiscal year, the department of 26887
education shall calculate for each community school established 26888
under this chapter an amount equal to the lesser of the following: 26889

(A) The following sum: 26890

The school's funding base + {[the sum of the per pupil amounts 26891
calculated for the school for that fiscal year under division 26892
(C)(1) of section 3314.08 of the Revised Code + the sum of the per 26893
pupil amounts calculated for the school for that fiscal year under 26894
division (A) of section 3314.089 of the Revised Code + the amount 26895
calculated for the school for that fiscal year under divisions (B) 26896
and (D) of section 3314.089 of the Revised Code) - the school's 26897
funding base] X the school's general phase-in percentage for that 26898
fiscal year} 26899

(B) The following sum: 26900

The sum of the per pupil amounts calculated for the school for 26901
that fiscal year under division (C)(1) of section 3314.08 of the 26902
Revised Code + the sum of the per pupil amounts calculated for the 26903
school for that fiscal year under division (A) of section 3314.089 26904
of the Revised Code + the amount calculated for the school for 26905
that fiscal year under divisions (B) and (D) of section 3314.089 26906
of the Revised Code 26907

Sec. 3314.091. (A) A school district is not required to 26908
provide transportation for any native student enrolled in a 26909
community school if the district board of education has entered 26910
into an agreement with the community school's governing authority 26911
that designates the community school as responsible for providing 26912
or arranging for the transportation of the district's native 26913
students to and from the community school. For any such agreement 26914
to be effective, it must be certified by the superintendent of 26915

public instruction as having met all of the following 26916
requirements: 26917

(1) It is submitted to the department of education by a 26918
deadline which shall be established by the department. 26919

(2) In accordance with divisions (C)(1) and (2) of this 26920
section, it specifies qualifications, such as residing a minimum 26921
distance from the school, for students to have their 26922
transportation provided or arranged. 26923

(3) The transportation provided by the community school is 26924
subject to all provisions of the Revised Code and all rules 26925
adopted under the Revised Code pertaining to pupil transportation. 26926

(4) The sponsor of the community school also has signed the 26927
agreement. 26928

(B)(1) For the school year that begins on July 1, 2007, a 26929
school district is not required to provide transportation for any 26930
native student enrolled in a community school, if the community 26931
school during the previous school year transported the students 26932
enrolled in the school or arranged for the students' 26933
transportation, even if that arrangement consisted of having 26934
parents transport their children to and from the school, but did 26935
not enter into an agreement to transport or arrange for 26936
transportation for those students under division (A) of this 26937
section, and if the governing authority of the community school by 26938
July 15, 2007, submits written notification to the district board 26939
of education stating that the governing authority is accepting 26940
responsibility for providing or arranging for the transportation 26941
of the district's native students to and from the community 26942
school. 26943

(2) Except as provided in division (B)(4) of this section, 26944
for any school year subsequent to the school year that begins on 26945

July 1, 2007, a school district is not required to provide 26946
transportation for any native student enrolled in a community 26947
school if the governing authority of the community school, by the 26948
~~thirty-first~~ first day of ~~January of the previous school year~~ 26949
August, submits written notification to the district board of 26950
education stating that the governing authority is accepting 26951
responsibility for providing or arranging for the transportation 26952
of the district's native students to and from the community 26953
school. If the governing authority of the community school has 26954
previously accepted responsibility for providing or arranging for 26955
the transportation of a district's native students to and from the 26956
community school, under division (B)(1) or (2) of this section, 26957
and has since relinquished that responsibility under division 26958
(B)(3) of this section, the governing authority shall not accept 26959
that responsibility again unless the district board consents to 26960
the governing authority's acceptance of that responsibility. 26961

(3) A governing authority's acceptance of responsibility 26962
under division (B)(1) or (2) of this section shall cover an entire 26963
school year, and shall remain in effect for subsequent school 26964
years unless the governing authority submits written notification 26965
to the district board that the governing authority is 26966
relinquishing the responsibility. However, a governing authority 26967
shall not relinquish responsibility for transportation before the 26968
end of a school year, and shall submit the notice relinquishing 26969
responsibility by the thirty-first day of January, in order to 26970
allow the school district reasonable time to prepare 26971
transportation for its native students enrolled in the school. 26972

(4)(a) For any school year that begins on or after July 1, 26973
2014, a school district is not required to provide transportation 26974
for any native student enrolled in a community school scheduled to 26975
open for operation in the current school year, if the governing 26976
authority of the community school, by the fifteenth day of April 26977

of the previous school year, submits written notification to the 26978
district board of education stating that the governing authority 26979
is accepting responsibility for providing or arranging for the 26980
transportation of the district's native students to and from the 26981
community school. 26982

(b) The governing authority of a community school that 26983
accepts responsibility for transporting its students under 26984
division (B)(4)(a) of this section shall comply with divisions 26985
(B)(2) and (3) of this section to renew or relinquish that 26986
authority for subsequent school years. 26987

(C)(1) A community school governing authority that enters 26988
into an agreement under division (A) of this section, or that 26989
accepts responsibility under division (B) of this section, shall 26990
provide or arrange transportation free of any charge for each of 26991
its enrolled students who is required to be transported under 26992
section 3327.01 of the Revised Code. The governing authority shall 26993
report to the department of education the number of students 26994
transported or for whom transportation is arranged under this 26995
section in accordance with rules adopted by the state board of 26996
education. 26997

(2) The governing authority may provide or arrange 26998
transportation for any other enrolled student who is not eligible 26999
for transportation in accordance with division (C)(1) of this 27000
section and may charge a fee for such service up to the actual 27001
cost of the service. 27002

(3) Notwithstanding anything to the contrary in division 27003
(C)(1) or (2) of this section, a community school governing 27004
authority shall provide or arrange transportation free of any 27005
charge for any disabled student enrolled in the school for whom 27006
the student's individualized education program developed under 27007
Chapter 3323. of the Revised Code specifies transportation. 27008

(D)(1) If a school district board and a community school governing authority elect to enter into an agreement under division (A) of this section, the department of education shall make payments to the community school according to the terms of the agreement for each student actually transported under division (C)(1) of this section.

If a community school governing authority accepts transportation responsibility under division (B) of this section, the department shall make payments to the community school for each student actually transported or for whom transportation is arranged by the community school under division (C)(1) of this section, calculated as follows:

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B)(1) or (2) of this section.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with section 3317.0212 of the Revised Code and any rules of the state board of education implementing

that section, the payment to the community school shall be the amount so calculated on a per rider basis that otherwise would be paid to the school district in which the student is entitled to attend school by the method of transportation the district would have used either of the following:

(i) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of section 3317.0212 of the Revised Code, 1.0 times the statewide transportation cost per student, as calculated in division (C) of section 3317.0212 of the Revised Code;

(ii) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid in a manner not described in division (D)(1)(b)(i) of this section, the amount that would otherwise be computed for and paid to the district. The

The community school, however, is not required to use the same method to transport that student.

~~(c) Divisions (D)(1)(a) and (b) of this section do not apply to fiscal years 2012 and 2013. Rather, for each of those fiscal years, the per pupil payment to a community school for transporting a student shall be the total amount paid under former section 3306.12 of the Revised Code for fiscal year 2011 to the school district in which the child is entitled to attend school divided by that district's "qualifying ridership," as defined in that section for fiscal year 2011.~~

As used in this division "entitled to attend school" means entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

~~(2) The department shall deduct the payment under division (D)(1) of this section from the state education aid, as defined in~~

~~section 3314.08 of the Revised Code, and, if necessary, the 27071
payment under sections 321.14 and 323.156 of the Revised Code, 27072
that is otherwise paid to the school district in which the student 27073
enrolled in the community school is entitled to attend school. The 27074
department shall include the number of the district's native 27075
students for whom payment is made to a community school under 27076
division (D)(1) of this section in the calculation of the 27077
district's transportation payment under section 3317.0212 of the 27078
Revised Code and the operating appropriations act. 27079~~

~~(3)~~ A community school shall be paid under division (D)(1) of 27080
this section only for students who are eligible as specified in 27081
section 3327.01 of the Revised Code and division (C)(1) of this 27082
section, and whose transportation to and from school is actually 27083
provided, who actually utilized transportation arranged, or for 27084
whom a payment in lieu of transportation is made by the community 27085
school's governing authority. To qualify for the payments, the 27086
community school shall report to the department, in the form and 27087
manner required by the department, data on the number of students 27088
transported or whose transportation is arranged, the number of 27089
miles traveled, cost to transport, and any other information 27090
requested by the department. 27091

~~(4)~~(3) A community school shall use payments received under 27092
this section solely to pay the costs of providing or arranging for 27093
the transportation of students who are eligible as specified in 27094
section 3327.01 of the Revised Code and division (C)(1) of this 27095
section, which may include payments to a parent, guardian, or 27096
other person in charge of a child in lieu of transportation. 27097

(E) Except when arranged through payment to a parent, 27098
guardian, or person in charge of a child, transportation provided 27099
or arranged for by a community school pursuant to an agreement 27100
under this section is subject to all provisions of the Revised 27101
Code, and all rules adopted under the Revised Code, pertaining to 27102

the construction, design, equipment, and operation of school buses 27103
and other vehicles transporting students to and from school. The 27104
drivers and mechanics of the vehicles are subject to all 27105
provisions of the Revised Code, and all rules adopted under the 27106
Revised Code, pertaining to drivers and mechanics of such 27107
vehicles. The community school also shall comply with sections 27108
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 27109
of section 3327.16 of the Revised Code and, subject to division 27110
(C)(1) of this section, sections 3327.01 and 3327.02 of the 27111
Revised Code, as if it were a school district. 27112

Sec. 3314.101. (A) As used in this section, "license" has the 27113
same meaning as in section 3319.31 of the Revised Code. 27114

(B) If a person who is employed by a community school 27115
established under this chapter or by an operator is arrested, 27116
summoned, or indicted for an alleged violation of an offense 27117
listed in division (C) of section 3319.31 of the Revised Code, if 27118
the person holds a license, or an offense listed in division 27119
(B)(1) of section 3319.39 of the Revised Code, if the person does 27120
not hold a license, the chief administrator of the community 27121
school in which that person works shall suspend that person from 27122
all duties that require the care, custody, or control of a child 27123
during the pendency of the criminal action against the person. If 27124
the person who is arrested, summoned, or indicted for an alleged 27125
violation of an offense listed in division (C) of section 3319.31 27126
or division (B)(1) of section 3319.39 of the Revised Code is the 27127
chief administrator of the community school, the governing 27128
authority of the school shall suspend the chief administrator from 27129
all duties that require the care, custody, or control of a child. 27130

(C) When a person who holds a license is suspended in 27131
accordance with this section, the chief administrator or governing 27132
authority that imposed the suspension promptly shall report the 27133

person's suspension to the department of education. The report 27134
shall include the offense for which the person was arrested, 27135
summoned, or indicted. The superintendent of public instruction, 27136
on behalf of the state board of education, shall inactivate the 27137
person's license. The inactivation shall remain in force during 27138
the pendency of the criminal action against the person. The 27139
inactivation of a license under this division does not constitute 27140
a suspension or revocation of the license by the state board under 27141
section 3319.31 of the Revised Code, and the state board and the 27142
state superintendent need not provide the person with an 27143
opportunity for a hearing with respect to the inactivation. If the 27144
state board does not take action against the person's license 27145
under section 3319.31 of the Revised Code, the state 27146
superintendent shall reactivate the license upon conclusion of the 27147
criminal action against the person. 27148

Sec. 3314.11. (A) The governing authority of each community 27149
school established under this chapter monthly shall review the 27150
residency records of students enrolled in that community school. 27151
Upon the enrollment of each student and on an annual basis, the 27152
governing authority shall verify to the department of education 27153
the school district in which the student is entitled to attend 27154
school under section 3313.64 or 3313.65 of the Revised Code. 27155

The school district may review the determination made by the 27156
community school under division (A) of this section. 27157

(B)(1) For purposes of its initial reporting of the school 27158
districts in which its students are entitled to attend school, the 27159
governing authority of a community school shall adopt a policy 27160
that prescribes the number of documents listed in division (E) of 27161
this section required to verify a student's residency. This policy 27162
shall supersede any policy concerning the number of documents for 27163
initial residency verification adopted by the district the student 27164

is entitled to attend. 27165

(2) For purposes of the annual reporting of the school 27166
districts in which its students are entitled to attend school, the 27167
governing authority of a community school shall adopt a policy 27168
that prescribes the information required to verify a student's 27169
residency. This information may be obtained through any type of 27170
document, including any of the documents listed in division (E) of 27171
this section, or any type of communication with a government 27172
official authorized to provide such information. 27173

(C) For purposes of making the determinations required under 27174
this section, the school district in which a parent or child 27175
resides is the location the parent or student has established as 27176
the primary residence and where substantial family activity takes 27177
place. 27178

(D) If a community school's determination under division (A) 27179
of this section of the school district a student is entitled to 27180
attend under section 3313.64 or 3313.65 of the Revised Code 27181
differs from a district's determination, the community school that 27182
made the determination under division (A) of this section shall 27183
provide the school district with documentation of the student's 27184
residency and shall make a good faith effort to accurately 27185
identify the correct residence of the student. 27186

(E) For purposes of this section, the following documents may 27187
serve as evidence of primary residence: 27188

(1) A deed, mortgage, lease, current home owner's or renter's 27189
insurance declaration page, or current real property tax bill; 27190

(2) A utility bill or receipt of utility installation issued 27191
within ninety days of enrollment; 27192

(3) A paycheck or paystub issued to the parent or student 27193
within ninety days of the date of enrollment that includes the 27194
address of the parent's or student's primary residence; 27195

(4) The most current available bank statement issued to the parent or student that includes the address of the parent's or student's primary residence;

(5) Any other official document issued to the parent or student that includes the address of the parent's or student's primary residence. The superintendent of public instruction shall develop guidelines for determining what qualifies as an "official document" under this division.

(F) When a student loses permanent housing and becomes a homeless child or youth, as defined in 42 U.S.C. 11434a, or when a child who is such a homeless child or youth changes temporary living arrangements, the district in which the student is entitled to attend school shall be determined in accordance with division (F)(13) of section 3313.64 of the Revised Code and the "McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq.

(G) In the event of a disagreement as to which school district a student is entitled to attend, the community school, after complying with division (D) of this section, but not more than sixty days after the monthly deadline established by the department of education for reporting of community school enrollment, may present the matter to the superintendent of public instruction. Not later than thirty days after the community school presents the matter, the state superintendent, or the state superintendent's designee, shall determine which district the student is entitled to attend and shall direct any necessary adjustments to payments ~~and deductions~~ under section 3314.08 of the Revised Code based on that determination.

Sec. 3314.20. (A) As used in this section:

(1) "Base enrollment" for an internet- or computer-based community school means either of the following:

(a) If the school was open for instruction on the effective date of this section, the number of students enrolled in the school at the end of the 2012-2013 school year;	27226 27227 27228
(b) If the school opens for instruction after the effective date of this section, one thousand students.	27229 27230
(2) "Enrollment limit" for an internet- or computer-based community school means the following:	27231 27232
(a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of education.	27233 27234 27235
(b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.	27236 27237 27238 27239
(3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:	27240 27241
(a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.	27242 27243
(b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent.	27244 27245
(B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit.	27246 27247 27248
(C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department. The department shall distribute the deducted amounts to the school districts to which	27249 27250 27251 27252 27253 27254 27255

~~the students enrolled in the community school are entitled to~~ 27256
~~attend school under section 3313.64 or 3313.65 of the Revised~~ 27257
~~Code. Such amounts shall be distributed on a pro rata basis~~ 27258
~~according to each district's share of the total enrollment in the~~ 27259
~~community school.~~ 27260

Sec. 3315.18. (A) The board of education of each city, 27261
exempted village, local, and joint vocational school district 27262
shall establish a capital and maintenance fund. Each board 27263
annually shall deposit into that fund an amount derived from 27264
revenues received by the district that would otherwise have been 27265
deposited in the general fund that is equal to three per cent of 27266
the ~~formula amount~~ statewide average base cost per pupil for the 27267
preceding fiscal year, as defined in section 3317.02 of the 27268
Revised Code, or another percentage if established by the auditor 27269
of state under division (B) of this section, multiplied by the 27270
district's student population for the preceding fiscal year, 27271
except that money received from a permanent improvement levy 27272
authorized by section 5705.21 of the Revised Code may replace 27273
general revenue moneys in meeting the requirements of this 27274
section. Money in the fund shall be used solely for acquisition, 27275
replacement, enhancement, maintenance, or repair of permanent 27276
improvements, as that term is defined in section 5705.01 of the 27277
Revised Code. Any money in the fund that is not used in any fiscal 27278
year shall carry forward to the next fiscal year. 27279

(B) The state superintendent of public instruction and the 27280
auditor of state jointly shall adopt rules in accordance with 27281
Chapter 119. of the Revised Code defining what constitutes 27282
expenditures permitted by division (A) of this section. The 27283
auditor of state may designate a percentage, other than three per 27284
cent, of the ~~formula amount~~ statewide average base cost per pupil 27285
multiplied by the district's student population that must be 27286
deposited into the fund. 27287

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D)(1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(2) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will create an undue financial hardship on the district.

(3) Notwithstanding division (A) of this section, not more often than one fiscal year in every three consecutive fiscal years, any school district that does not satisfy the conditions for the exemption described in division (D)(1) of this section or the conditions to apply for the waiver described in division (D)(2) of this section may apply to the superintendent of public instruction for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The superintendent may grant a waiver under division (D)(3) of this section if the district demonstrates to the satisfaction of the superintendent that compliance with division (A) of this section that year will necessitate the reduction or elimination of a program currently offered by the district that is critical to the academic success of students of the district and that no reasonable alternatives exist for spending reductions in other areas of operation within the district that negate the necessity of the reduction or elimination of that program.

(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into after November 21, 1997.

(F) As used in this section, "student population" means the average, daily, full-time equivalent number of students in kindergarten through twelfth grade receiving any educational services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section

3313.98 of the Revised Code; 27352

(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

The department of education shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.

Sec. 3317.011. (A) As used in this section: 27362

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000 for the most recent fiscal year for which data is available, as determined by the department of education. 27363
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(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$80,000 for the most recent fiscal year for which data is available, as determined by the department. 27369
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(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than \$15,000 but less than \$50,000 for the most recent fiscal year for which data is available, as determined by the department. 27375
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(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school 27380
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districts in this state with salaries greater than \$30,000 but 27382
less than \$95,000 for the most recent fiscal year for which data 27383
is available, as determined by the department. 27384

(5) "Average education management information system support 27385
employee salary" means the average salary of accounting employees 27386
employed by city, local, and exempted village school districts in 27387
this state with salaries greater than \$30,000 but less than 27388
\$90,000 for the most recent fiscal year for which data is 27389
available, as determined by the department. 27390

(6) "Average librarian and media staff salary" means the 27391
average salary of librarians and media staff employed by city, 27392
local, and exempted village school districts in this state with 27393
salaries greater than \$30,000 but less than \$95,000 for the most 27394
recent fiscal year for which data is available, as determined by 27395
the department. 27396

(7) "Average other district administrator salary" means the 27397
average salary of all assistant superintendents and directors 27398
employed by city, local, and exempted village school districts in 27399
this state with salaries greater than \$50,000 but less than 27400
\$135,000 for the most recent fiscal year for which data is 27401
available, as determined by the department. 27402

(8) "Average principal salary" means the average salary of 27403
all principals employed by city, local, and exempted village 27404
school districts in this state with salaries greater than \$50,000 27405
but less than \$120,000 for the most recent fiscal year for which 27406
data is available, as determined by the department. 27407

(9) "Average superintendent salary" means the average salary 27408
of all superintendents employed by city, local, and exempted 27409
village school districts in this state with salaries greater than 27410
\$60,000 but less than \$180,000 for the most recent fiscal year for 27411
which data is available, as determined by the department. 27412

(10) "Average teacher cost" for a fiscal year is equal to the 27413
sum of the following: 27414

(a) The average salary of teachers employed by city, local, 27415
and exempted village school districts in this state with salaries 27416
greater than \$30,000 but less than \$95,000 for the most recent 27417
fiscal year for which data is available, as determined by the 27418
department; 27419

(b) An amount for teacher benefits equal to 0.16 times the 27420
average salary calculated under division (A)(10)(a) of this 27421
section; 27422

(c) An amount for district-paid insurance costs equal to the 27423
following product: 27424

The statewide weighted average employer-paid monthly premium based 27425
on data reported by city, local, and exempted village school 27426
districts to the state employment relations board for the health 27427
insurance survey conducted in accordance with divisions (K)(5) and 27428
(6) of section 4117.02 of the Revised Code for the most recent 27429
fiscal year for which data is available X 12 27430

(11) "Eligible school district" means a city, local, or 27431
exempted village school district that satisfies one of the 27432
following: 27433

(a) The district is a member of an organization that 27434
regulates interscholastic athletics. 27435

(b) The district has teams in at least three different sports 27436
that participate in an interscholastic league. 27437

(B) When calculating a district's aggregate base cost under 27438
this section, the department shall use data from fiscal year 2018 27439
for all of the following: 27440

(1) The average salaries determined under divisions (A)(1), 27441
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 27442

<u>section;</u>	27443
<u>(2) The amount for teacher benefits determined under division (A)(10)(b) of this section;</u>	27444
<u>(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;</u>	27446
<u>(4) The spending determined under divisions (E)(4)(a), (E)(5)(a), (E)(6)(a), and (H)(1) of this section and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), (E)(6)(b), and (H)(2) of this section;</u>	27448
<u>(5) The information determined under division (G)(3) of this section.</u>	27449
<u>(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:</u>	27450
<u>(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co-curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)</u>	27451
<u>(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:</u>	27452
<u>(1) Calculate the district's classroom teacher cost for that fiscal year as follows:</u>	27453
<u>(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are</u>	27454
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<u>enrolled in kindergarten and divide that number by 20;</u>	27473
<u>(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23;</u>	27474
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	27476
<u>(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25;</u>	27477
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<u>(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27;</u>	27482
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<u>(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B)(11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18;</u>	27487
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<u>(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section;</u>	27492
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<u>(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.</u>	27494
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	27496
<u>(2) Calculate the district's special teacher cost for that fiscal year as follows:</u>	27497
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<u>(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;</u>	27499
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<u>(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal</u>	27501
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to that quotient multiplied by the average teacher cost for that 27503
fiscal year. 27504

(c) If the quotient obtained under division (D)(2)(a) of this 27505
section is less than or equal to 6, the special teacher cost shall 27506
be equal to 6 multiplied by the average teacher cost for that 27507
fiscal year. 27508

(3) Calculate the district's substitute teacher cost for that 27509
fiscal year in accordance with the following formula: 27510

(a) Compute the substitute teacher daily rate with benefits 27511
by multiplying the substitute teacher daily rate of \$90 by 1.16; 27512

(b) Compute the substitute teacher cost in accordance with 27513
the following formula: 27514

[The sum computed under division (D)(1)(f) of this section + (the 27515
greater of the quotient obtained under division (D)(2)(a) of this 27516
section and 6)] X the amount computed under division (D)(3)(a) of 27517
this section X 5 27518

(4) Calculate the district's professional development cost 27519
for that fiscal year in accordance with the following formula: 27520

[The sum computed under division (D)(1)(f) of this section + (the 27521
greater of the quotient obtained under division (D)(2)(a) of this 27522
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 27523
this section for that fiscal year)/180] X 4 27524

(5) Calculate the district's teacher base cost for that 27525
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 27526
and (4) of this section. 27527

(E) The department shall compute a district's student support 27528
base cost for a fiscal year as follows: 27529

(1) Calculate the district's guidance counselor cost for that 27530
fiscal year as follows: 27531

(a) Determine the number of students in the district's base 27532

<u>cost enrolled ADM for that fiscal year that are enrolled in grades</u>	27533
<u>nine through twelve and divide that number by 360;</u>	27534
<u>(b) Compute the counselor cost in accordance with the</u>	27535
<u>following formula:</u>	27536
<u>(The greater of the quotient obtained under division (E)(1)(a) of</u>	27537
<u>this section and 1) X [(the average counselor salary for that</u>	27538
<u>fiscal year X 1.16) + the amount specified under division</u>	27539
<u>(A)(10)(c) of this section for that fiscal year]</u>	27540
<u>(2) Calculate the district's librarian and media staff cost</u>	27541
<u>for that fiscal year as follows:</u>	27542
<u>(a) Divide the district's base cost enrolled ADM for that</u>	27543
<u>fiscal year by 1,000;</u>	27544
<u>(b) Compute the librarian and media staff cost in accordance</u>	27545
<u>with the following formula:</u>	27546
<u>The quotient obtained under division (E)(2)(a) of this section X</u>	27547
<u>[(the average librarian and media staff salary for that fiscal</u>	27548
<u>year X 1.16) + the amount specified under division (A)(10)(c) of</u>	27549
<u>this section for that fiscal year]</u>	27550
<u>(3) Calculate the district's staffing cost for student</u>	27551
<u>wellness and success for that fiscal year as follows:</u>	27552
<u>(a) Divide the district's base cost enrolled ADM for that</u>	27553
<u>fiscal year by 250;</u>	27554
<u>(b) Compute the staffing cost for student wellness and</u>	27555
<u>success in accordance with the following formula:</u>	27556
<u>(The greater of the quotient obtained under division (E)(3)(a) of</u>	27557
<u>this section and 5) X [(the average counselor salary for that</u>	27558
<u>fiscal year X 1.16) + the amount specified under division</u>	27559
<u>(A)(10)(c) of this section for that fiscal year]</u>	27560
<u>(4) Calculate the district's academic co-curricular</u>	27561
<u>activities cost for that fiscal year as follows:</u>	27562

<u>(a) Determine the total amount of spending for academic</u>	27563
<u>co-curricular activities reported by city, local, and exempted</u>	27564
<u>village school districts to the department for the most recent</u>	27565
<u>fiscal year for which data is available;</u>	27566
<u>(b) Determine the sum of the enrolled ADM of every school</u>	27567
<u>district in the state for the most recent fiscal year for which</u>	27568
<u>the data specified under division (E)(4)(a) of this section is</u>	27569
<u>available;</u>	27570
<u>(c) Compute the academic co-curricular activities cost in</u>	27571
<u>accordance with the following formula:</u>	27572
<u>(The amount determined under division (E)(4)(a) of this section /</u>	27573
<u>the sum determined under division (E)(4)(b) of this section) X the</u>	27574
<u>district's base cost enrolled ADM for the fiscal year for which</u>	27575
<u>the academic co-curricular activities cost is computed</u>	27576
<u>(5) Calculate the district's building safety and security</u>	27577
<u>cost for that fiscal year as follows:</u>	27578
<u>(a) Determine the total amount of spending for building</u>	27579
<u>safety and security reported by city, local, and exempted village</u>	27580
<u>school districts to the department for the most recent fiscal year</u>	27581
<u>for which data is available;</u>	27582
<u>(b) Determine the sum of the enrolled ADM of every school</u>	27583
<u>district in the state that reported the data specified under</u>	27584
<u>division (E)(5)(a) of this section for the most recent fiscal year</u>	27585
<u>for which the data is available;</u>	27586
<u>(c) Compute the building safety and security cost in</u>	27587
<u>accordance with the following formula:</u>	27588
<u>(The amount determined under division (E)(5)(a) of this section /</u>	27589
<u>the sum determined under division (E)(5)(a) of this section) X the</u>	27590
<u>district's base cost enrolled ADM for the fiscal year for which</u>	27591
<u>the building safety and security cost is computed</u>	27592
<u>(6) Calculate the district's supplies and academic content</u>	27593

<u>cost for that fiscal year as follows:</u>	27594
<u>(a) Determine the total amount of spending for supplies and</u>	27595
<u>academic content, excluding supplies for transportation and</u>	27596
<u>maintenance, reported by city, local, and exempted village school</u>	27597
<u>districts to the department for the most recent fiscal year for</u>	27598
<u>which data is available;</u>	27599
<u>(b) Determine the sum of the enrolled ADM of every school</u>	27600
<u>district in the state for the most recent fiscal year for which</u>	27601
<u>the data specified under division (E)(6)(a) of this section is</u>	27602
<u>available;</u>	27603
<u>(c) Compute the supplies and academic content cost in</u>	27604
<u>accordance with the following formula:</u>	27605
<u>(The amount determined under division (E)(6)(a) of this section /</u>	27606
<u>the sum determined under division (E)(6)(b) of this section) X the</u>	27607
<u>district's base cost enrolled ADM for the fiscal year for which</u>	27608
<u>the supplies and academic content cost is computed</u>	27609
<u>(7) Calculate the district's technology cost for that fiscal</u>	27610
<u>year in accordance with the following formula:</u>	27611
<u>\$37.50 X the district's base cost enrolled ADM for that fiscal</u>	27612
<u>year</u>	27613
<u>(8) Calculate the district's student support base cost for</u>	27614
<u>that fiscal year, which equals the sum of divisions (E)(1), (2),</u>	27615
<u>(3), (4), (5), (6), and (7) of this section.</u>	27616
<u>(F) The department shall compute a district's leadership and</u>	27617
<u>accountability base cost for a fiscal year as follows:</u>	27618
<u>(1) Calculate the district's superintendent cost for that</u>	27619
<u>fiscal year as follows:</u>	27620
<u>(a) If the district's base cost enrolled ADM for that fiscal</u>	27621
<u>year is greater than 4,000, then the district's superintendent</u>	27622
<u>cost shall be equal to [(\$160,000 X 1.16) + the amount specified</u>	27623

under division (A)(10)(c) of this section for that fiscal year]. 27624

(b) If the district's base cost enrolled ADM for that fiscal 27625
year is less than or equal to 4,000 but greater than or equal to 27626
500, the district's superintendent cost shall be equal to the sum 27627
of the following: 27628

(i) (The district's base cost enrolled ADM for that fiscal 27629
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 27630

(ii) (\$80,000 X 1.16) + the amount specified under division 27631
(A)(10)(c) of this section for that fiscal year. 27632

(c) If the district's base cost enrolled ADM is less than 27633
500, then the district's superintendent cost shall be equal to 27634
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 27635
of this section for that fiscal year]. 27636

(2) Calculate the district's treasurer cost for that fiscal 27637
year as follows: 27638

(a) If the district's base cost enrolled ADM for that fiscal 27639
year is greater than 4,000, then the district's treasurer cost 27640
shall be equal to [(\$130,000 X 1.16) + the amount specified under 27641
division (A)(10)(c) of this section for that fiscal year]. 27642

(b) If the district's base cost enrolled ADM for that fiscal 27643
year is less than or equal to 4,000 but greater than or equal to 27644
500, the district's treasurer cost shall be equal to the sum of 27645
the following: 27646

(i) (The district's base cost enrolled ADM for that fiscal 27647
year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16)]/3500}; 27648

(ii) (\$60,000 X 1.16) + the amount specified under division 27649
(A)(10)(c) of this section for that fiscal year. 27650

(c) If the district's base cost enrolled ADM is less than 27651
500, then the district's treasurer cost shall be equal to 27652
[((\$60,000 X 1.16) + the amount specified under division (A)(10)(c) 27653

<u>of this section for that fiscal year].</u>	27654
<u>(3) Calculate the district's other district administrator cost for that fiscal year as follows:</u>	27655
<u>(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;</u>	27657
<u>(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;</u>	27660
<u>(c) Compute the other district administrator cost in accordance with the following formula:</u>	27662
<u>{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of this section for that fiscal year) X the quotient obtained under division (F)(3)(a) of this section] + the amount specified under division (A)(10)(c) of this section} X (the greater of the quotient obtained under division (F)(3)(b) of this section and 2)</u>	27664
<u>(4) Calculate the district's fiscal support cost for that fiscal year as follows:</u>	27671
<u>(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;</u>	27673
<u>(b) Determine the lesser of the following:</u>	27675
<u>(i) The maximum of the quotient obtained under division (F)(4)(a) of this section and 2;</u>	27676
<u>(ii) 35.</u>	27677
<u>(c) Compute the fiscal support cost in accordance with the following formula:</u>	27678
<u>The number obtained under division (F)(4)(b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division</u>	27679
	27680
	27681
	27682
	27683

<u>(A)(10)(c) of this section for that fiscal year]</u>	27684
<u>(5) Calculate the district's education management information system support cost for that fiscal year as follows:</u>	27685
<u>(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;</u>	27686
<u>(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;</u>	27687
<u>(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;</u>	27688
<u>(b) Compute the education management information system support cost in accordance with the following formula:</u>	27689
<u>(b) Compute the education management information system support cost in accordance with the following formula:</u>	27690
<u>(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27691
<u>(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27692
<u>(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27693
<u>(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27694
<u>(The greater of the quotient obtained under division (F)(5)(a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27695
<u>(6) Calculate the district's leadership support cost for that fiscal year as follows:</u>	27696
<u>(6) Calculate the district's leadership support cost for that fiscal year as follows:</u>	27697
<u>(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;</u>	27698
<u>(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;</u>	27699
<u>(a) Determine the greater of the quotient obtained under division (F)(3)(b) of this section and 2, and add 1 to that number;</u>	27700
<u>(b) Divide the number obtained under division (F)(6)(a) of this section by 3;</u>	27701
<u>(b) Divide the number obtained under division (F)(6)(a) of this section by 3;</u>	27702
<u>(c) Compute the leadership support cost in accordance with the following formula:</u>	27703
<u>(c) Compute the leadership support cost in accordance with the following formula:</u>	27704
<u>(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27705
<u>(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27706
<u>(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27707
<u>(The greater of the quotient obtained under division (F)(6)(b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]</u>	27708
<u>(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:</u>	27709
<u>(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:</u>	27710
<u>(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:</u>	27711
<u>\$31 X the district's base cost enrolled ADM for that fiscal year</u>	27712
<u>(8) Calculate the district's district leadership and</u>	27713

accountability base cost for that fiscal year, which equals the 27714
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 27715
section. 27716

(G) The department shall compute a district's building 27717
leadership and operations base cost for a fiscal year as follows: 27718

(1) Calculate the district's building leadership cost for 27719
that fiscal year as follows: 27720

(a) Divide the average principal salary for that fiscal year 27721
by the average superintendent salary for that fiscal year; 27722

(b) Divide the district's base cost enrolled ADM for that 27723
fiscal year by 450; 27724

(c) Compute the building leadership cost in accordance with 27725
the following formula: 27726

{[(The district's superintendent cost for that fiscal year 27727
calculated under division (F)(1) of this section - the amount 27728
specified under division (A)(10)(c) of this section for that 27729
fiscal year) X the quotient obtained under division (G)(1)(a) of 27730
this section] + the amount specified under division (A)(10)(c) of 27731
this section for that fiscal year} X the quotient obtained under 27732
division (G)(1)(b) of this section 27733

(2) Calculate the district's building leadership support cost 27734
for that fiscal year as follows: 27735

(a) Divide the district's base cost enrolled ADM for that 27736
fiscal year by 400; 27737

(b) Determine the number of school buildings in the district 27738
for that fiscal year; 27739

(c) Compute the building leadership support cost in 27740
accordance with the following formula: 27741

(i) If the quotient obtained under division (G)(2)(a) of this 27742
section is less than the number obtained under division (G)(2)(b) 27743

of this section, then the district's building leadership support 27744
cost shall be equal to {the number obtained under division 27745
(G)(2)(b) of this section for that fiscal year X [(the average 27746
clerical staff salary for that fiscal year X 1.16) + the amount 27747
specified under division (A)(10)(c) of this section for that 27748
fiscal year]}. 27749

(ii) If the quotient obtained under division (G)(2)(a) of 27750
this section is greater than or equal to the number obtained under 27751
division (G)(2)(b) of this section, then the district's building 27752
leadership support cost shall be equal to {[the lesser of (the 27753
number obtained under division (G)(2)(b) of this section X 3) and 27754
the quotient obtained under division (G)(2)(a) of this section] X 27755
[(the average clerical staff salary for that fiscal year X 1.16) + 27756
the amount specified under division (A)(10)(c) of this section for 27757
that fiscal year]}. 27758

(3) Calculate the district's building operations cost for 27759
that fiscal year as follows: 27760

(a) Using data for the six most recent fiscal years for which 27761
data is available, determine both of the following: 27762

(i) The six-year average of the average building square feet 27763
per pupil for all city, local, and exempted village school 27764
district buildings in the state; 27765

(ii) The six-year average cost per square foot for all city, 27766
local, and exempted village school district buildings in the 27767
state. 27768

(b) Compute the building operations cost in accordance with 27769
the following formula: 27770

The district's base cost enrolled ADM for that fiscal year X [(the 27771
number determined under division (G)(3)(a)(i) of this section X 27772
the number determined under division (G)(3)(a)(ii) of this 27773
section) - (the amount determined under division (E)(6)(a) of this 27774

<u>section for that fiscal year/ the sum determined under division</u>	27775
<u>(E)(6)(b) of this section for that fiscal year)l</u>	27776
<u>(4) Calculate the district's building leadership and</u>	27777
<u>operations base cost for that fiscal year, which equals the sum of</u>	27778
<u>divisions (G)(1), (2), and (3) of this section.</u>	27779
<u>(H) If a district is an eligible school district, the</u>	27780
<u>department shall compute the district's athletic co-curricular</u>	27781
<u>activities base cost for a fiscal year as follows:</u>	27782
<u>(1) Determine the total amount of spending for athletic</u>	27783
<u>co-curricular activities reported by city, local, and exempted</u>	27784
<u>village school districts to the department for that fiscal year;</u>	27785
<u>(2) Determine the sum of the enrolled ADM of every school</u>	27786
<u>district in the state for that fiscal year;</u>	27787
<u>(3) Compute the district's athletic co-curricular activities</u>	27788
<u>base cost in accordance with the following formula:</u>	27789
<u>(The amount determined under division (H)(1) of this section / the</u>	27790
<u>sum determined under division (H)(2) of this section) X the</u>	27791
<u>district's base cost enrolled ADM for the fiscal year for which</u>	27792
<u>the funds for athletic co-curricular activities are computed</u>	27793
Sec. 3317.012. <u>(A) As used in this section, "average</u>	27794
<u>administrative assistant salary," "average bookkeeping and</u>	27795
<u>accounting employee salary," "average clerical staff salary,"</u>	27796
<u>"average counselor salary," "average education management</u>	27797
<u>information system support employee salary," "average librarian</u>	27798
<u>and media staff salary," "average other district administrator</u>	27799
<u>salary," "average principal salary," "average superintendent</u>	27800
<u>salary," and "average teacher cost" have the same meanings as in</u>	27801
<u>section 3317.011 of the Revised Code.</u>	27802
<u>(B) When calculating a district's aggregate base cost under</u>	27803
<u>this section, the department shall use data from fiscal year 2018</u>	27804

<u>for all of the following:</u>	27805
<u>(1) The average salaries determined under divisions (A)(1),</u>	27806
<u>(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section</u>	27807
<u>3317.011 of the Revised Code;</u>	27808
<u>(2) The amount for teacher benefits determined under division</u>	27809
<u>(A)(10)(b) of section 3317.011 of the Revised Code;</u>	27810
<u>(3) The district-paid insurance costs determined under</u>	27811
<u>division (A)(10)(c) of section 3317.011 of the Revised Code;</u>	27812
<u>(4) Spending determined under divisions (E)(4)(a), (E)(5)(a),</u>	27813
<u>and (H)(1) of section 3317.011 of the Revised Code and the</u>	27814
<u>corresponding student counts determined under divisions (E)(4)(b),</u>	27815
<u>(E)(5)(b), and (H)(2) of that section;</u>	27816
<u>(5) The information determined under division (G)(3) of</u>	27817
<u>section 3317.011 of the Revised Code.</u>	27818
<u>(C) A joint vocational school district's aggregate base cost</u>	27819
<u>for a fiscal year shall be equal to the following sum:</u>	27820
<u>The district's teacher base cost for that fiscal year computed</u>	27821
<u>under division (D) of this section + the district's student</u>	27822
<u>support base cost for that fiscal year computed under division (E)</u>	27823
<u>of this section + the district's leadership and accountability</u>	27824
<u>base cost for that fiscal year computed under division (F) of this</u>	27825
<u>section + the district's building leadership and operations base</u>	27826
<u>cost for that fiscal year computed under division (G) of this</u>	27827
<u>section</u>	27828
<u>(D) The department of education shall compute a district's</u>	27829
<u>teacher base cost for a fiscal year as follows:</u>	27830
<u>(1) Calculate the district's classroom teacher cost for that</u>	27831
<u>fiscal year as follows:</u>	27832
<u>(a) Determine the full-time equivalency of students in the</u>	27833
<u>district's base cost enrolled ADM for that fiscal year that are</u>	27834

enrolled in a career-technical education program or class, as 27835
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of 27836
section 3317.03 of the Revised Code, and divide that number by 18; 27837

(b) Determine the full-time equivalency of students in the 27838
district's base cost enrolled ADM for that fiscal year that are 27839
enrolled in grades six through eight but are not enrolled in a 27840
career-technical education program or class described under 27841
section 3317.014 of the Revised Code and divide that number by 25; 27842

(c) Determine the full-time equivalency of students in the 27843
district's base cost enrolled ADM for that fiscal year that are 27844
enrolled in grades nine through twelve but are not enrolled in a 27845
career-technical education program or class described under 27846
section 3317.014 of the Revised Code and divide that number by 27; 27847

(d) Compute the sum of the quotients obtained under divisions 27848
(D)(1)(a), (b), and (c) of this section; 27849

(e) Compute the classroom teacher base cost by multiplying 27850
the average teacher cost for that fiscal year by the sum computed 27851
under division (D)(1)(d) of this section. 27852

(2) Calculate the district's cost for that fiscal year for 27853
teachers providing health and physical education, instruction 27854
regarding employability and soft skills, development and 27855
coordination of internships and job placements, career-technical 27856
student organization activities, pre-apprenticeship and 27857
apprenticeship coordination, and any assessment related to 27858
career-technical education, including any nationally recognized 27859
job skills or end-of-course assessment, as follows: 27860

(a) Divide the district's base cost enrolled ADM for that 27861
fiscal year by 150; 27862

(b) If the quotient obtained under division (D)(2)(a) of this 27863
section is greater than 6, the teacher cost shall be equal to that 27864
quotient multiplied by the average teacher cost for that fiscal 27865

<u>year.</u>	27866
<u>(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.</u>	27867 27868 27869 27870
<u>(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:</u>	27871 27872
<u>(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;</u>	27873 27874
<u>(b) Compute the substitute teacher cost in accordance with the following formula:</u>	27875 27876
<u>[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5</u>	27877 27878 27879 27880
<u>(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:</u>	27881 27882
<u>[The sum computed under division (D)(1)(d) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X</u>	27883 27884 27885 27886
<u>4</u>	27887
<u>(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.</u>	27888 27889 27890
<u>(E) The department shall compute a district's student support base cost for a fiscal year as follows:</u>	27891 27892
<u>(1) Calculate the district's guidance counselor cost for that fiscal year as follows:</u>	27893 27894
<u>(a) Determine the number of students in the district's base</u>	27895

<u>cost enrolled ADM for that fiscal year that are enrolled in grades</u>	27896
<u>nine through twelve and divide that number by 360;</u>	27897
<u>(b) Compute the counselor cost in accordance with the</u>	27898
<u>following formula:</u>	27899
<u>(The greater of the quotient obtained under division (E)(1)(a) of</u>	27900
<u>this section and 1) X [(the average counselor salary for that</u>	27901
<u>fiscal year X 1.16) + the amount specified under division</u>	27902
<u>(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal</u>	27903
<u>year]</u>	27904
<u>(2) Calculate the district's librarian and media staff cost</u>	27905
<u>for that fiscal year as follows:</u>	27906
<u>(a) Divide the district's base cost enrolled ADM for that</u>	27907
<u>fiscal year by 1,000;</u>	27908
<u>(b) Compute the librarian and media staff cost in accordance</u>	27909
<u>with the following formula:</u>	27910
<u>The quotient obtained under division (E)(2)(a) of this section X</u>	27911
<u>[(the average librarian and media staff salary for that fiscal</u>	27912
<u>year X 1.16) + the amount specified under division (A)(10)(c) of</u>	27913
<u>section 3317.011 of the Revised Code for that fiscal year]</u>	27914
<u>(3) Calculate the district's staffing cost for student</u>	27915
<u>wellness and success for that fiscal year as follows:</u>	27916
<u>(a) Divide the district's base cost enrolled ADM for that</u>	27917
<u>fiscal year by 250;</u>	27918
<u>(b) Compute the staffing cost for student wellness and</u>	27919
<u>success in accordance with the following formula:</u>	27920
<u>The quotient obtained under division (E)(3)(a) of this section X</u>	27921
<u>[(the average counselor salary for that fiscal year X 1.16) + the</u>	27922
<u>amount specified under division (A)(10)(c) of section 3317.011 of</u>	27923
<u>the Revised Code for that fiscal year]</u>	27924
<u>(4) Calculate the district's cost for that fiscal year for</u>	27925

career-technical curriculum specialists and coordinators, career 27926
assessment and program placement, recruitment and orientation, 27927
student success coordination, analysis of test results, 27928
development of intervention and remediation plans and monitoring 27929
of those plans, and satellite program coordination in accordance 27930
with the following formula: 27931

[(The amount determined under division (E)(4)(a) of section 27932
3317.011 of the Revised Code for that fiscal year / the sum 27933
determined under division (E)(4)(b) of section 3317.011 of the 27934
Revised Code) + (the amount determined under division (H)(1) of 27935
section 3317.011 of the Revised Code for that fiscal year / the 27936
sum determined under division (H)(2) of section 3317.011 of the 27937
Revised Code)] X the district's base cost enrolled ADM for the 27938
fiscal year for which the district's cost under this division is 27939
computed 27940

(5) Compute the district's building safety and security cost 27941
for that fiscal year in accordance with the following formula: 27942

(The amount determined under division (E)(5)(a) of section 27943
3317.011 of the Revised Code for that fiscal year / the sum 27944
determined under division (E)(5)(b) of section 3317.011 of the 27945
Revised Code) X the district's base cost enrolled ADM for the 27946
fiscal year for which the building safety and security cost is 27947
computed 27948

(6) Compute the district's supplies and academic content cost 27949
for that fiscal year in accordance with the following formula: 27950

(The amount determined under division (E)(6)(a) of section 27951
3317.011 of the Revised Code for that fiscal year / the sum 27952
determined under division (E)(6)(b) of section 3317.011 of the 27953
Revised Code) X the district's base cost enrolled ADM for the 27954
fiscal year for which the supplies and academic content cost is 27955
computed 27956

(7) Calculate the district's technology cost for that fiscal 27957

year in accordance with the following formula: 27958
\$37.50 X the district's base cost enrolled ADM for that fiscal 27959
year 27960

(8) Calculate the district's student support base cost for 27961
that fiscal year, which equals the sum of divisions (E)(1), (2), 27962
(3), (4), (5), (6), and (7) of this section. 27963

(F) The department shall compute a district's leadership and 27964
accountability base cost for a fiscal year as follows: 27965

(1) Calculate the district's superintendent cost for that 27966
fiscal year as follows: 27967

(a) If the district's base cost enrolled ADM for that fiscal 27968
year is greater than 4,000, then the district's superintendent 27969
cost shall be equal to [(\$160,000 X 1.16) + the amount specified 27970
under division (A)(10)(c) of section 3317.011 of the Revised Code 27971
for that fiscal year]. 27972

(b) If the district's base cost enrolled ADM for that fiscal 27973
year is less than or equal to 4,000 but greater than or equal to 27974
500, the district's superintendent cost shall be equal to the sum 27975
of the following: 27976

(i) (The district's base cost enrolled ADM for that fiscal 27977
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500}; 27978

(ii) (\$80,000 X 1.16) + the amount specified under division 27979
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 27980
year. 27981

(c) If the district's base cost enrolled ADM is less than 27982
500, then the district's superintendent cost shall be equal to 27983
[((\$80,000 X 1.16) + the amount specified under division (A)(10)(c) 27984
of section 3317.011 of the Revised Code for that fiscal year]. 27985

(2) Calculate the district's treasurer cost for that fiscal 27986
year as follows: 27987

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 27988
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27990
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27992

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following: 27993
27994
27995
27996

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$130,000 X 1.16) - (\$60,000 X 1.16))/3500]}; 27997
27998

(ii) (\$60,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year. 27999
28000
28001

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [(\$60,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]. 28002
28003
28004
28005

(3) Calculate the district's other district administrator cost for that fiscal year as follows: 28006
28007

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year; 28008
28009
28010

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750; 28011
28012

(c) Compute the other district administrator cost in accordance with the following formula: 28013
28014

{[(The district's superintendent cost for that fiscal year calculated under division (F)(1) of this section - the amount specified under division (A)(10)(c) of section 3317.011 of the 28015
28016
28017

Revised Code for that fiscal year) X the quotient obtained under 28018
division (F)(3)(a) of this section] + the amount specified under 28019
division (A)(10)(c) of section 3317.011 of the Revised Code} X 28020
(the greater of the quotient obtained under division (F)(3)(b) of 28021
this section and 2) 28022
28023
(4) Calculate the district's fiscal support cost for that 28024
fiscal year as follows: 28025
(a) Divide the district's base cost enrolled ADM for that 28026
fiscal year by 850; 28027
(b) Determine the lesser of the following: 28028
(i) The maximum of the quotient obtained under division 28029
(F)(4)(a) of this section and 2; 28030
(ii) 35. 28031
(c) Compute the fiscal support cost in accordance with the 28032
following formula: 28033
The number obtained under division (F)(4)(b) of this section X 28034
[(the average bookkeeping and accounting employee salary for that 28035
fiscal year X 1.16) + the amount specified under division 28036
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 28037
year] 28038
(5) Calculate the district's education management information 28039
system support cost for that fiscal year as follows: 28040
(a) Divide the district's base cost enrolled ADM for that 28041
fiscal year by 5,000; 28042
(b) Compute the education management information system 28043
support cost in accordance with the following formula: 28044
(The greater of the quotient obtained under division (F)(5)(a) of 28045
this section and 1) X [(the average education management 28046
information system support employee salary for that fiscal year X 28047

<u>1.16) + the amount specified under division (A)(10)(c) of section</u>	28048
<u>3317.011 of the Revised Code for that fiscal year]</u>	28049
<u>(6) Calculate the district's leadership support cost for that</u>	28050
<u>fiscal year as follows:</u>	28051
<u>(a) Determine the greater of the quotient obtained under</u>	28052
<u>division (F)(3)(b) of this section and 2 and add 1 to that number;</u>	28053
<u>(b) Divide the number obtained under division (F)(6)(a) of</u>	28054
<u>this section by 3;</u>	28055
<u>(c) Compute the leadership support cost in accordance with</u>	28056
<u>the following formula:</u>	28057
<u>(The greater of the quotient obtained under division (F)(6)(b) of</u>	28058
<u>this section and 1) X [(the average administrative assistant</u>	28059
<u>salary for that fiscal year X 1.16) + the amount specified under</u>	28060
<u>division (A)(10)(c) of section 3317.011 of the Revised Code for</u>	28061
<u>that fiscal year]</u>	28062
<u>(7) Calculate the district's information technology center</u>	28063
<u>support cost for that fiscal year in accordance with the following</u>	28064
<u>formula:</u>	28065
<u>\$31 X the district's base cost enrolled ADM for that fiscal year</u>	28066
<u>(8) Calculate the district's district leadership and</u>	28067
<u>accountability base cost for that fiscal year, which equals the</u>	28068
<u>sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this</u>	28069
<u>section;</u>	28070
<u>(G) The department shall compute a district's building</u>	28071
<u>leadership and operations base cost for a fiscal year as follows:</u>	28072
<u>(1) Calculate the district's building leadership cost for</u>	28073
<u>that fiscal year as follows:</u>	28074
<u>(a) Divide the average principal salary for that fiscal year</u>	28075
<u>by the average superintendent salary for that fiscal year;</u>	28076
<u>(b) Divide the district's base cost enrolled ADM for that</u>	28077

fiscal year by 450; 28078

(c) Compute the building leadership cost in accordance with 28079
the following formula: 28080

{[(The district's superintendent cost for that fiscal year 28081
calculated under division (F)(1) of this section - the amount 28082
specified under division (A)(10)(c) of section 3317.011 of the 28083
Revised Code for that fiscal year) X the quotient obtained under 28084
division (G)(1)(a) of this section] + the amount specified under 28085
division (A)(10)(c) of section 3317.011 of the Revised Code for 28086
that fiscal year} X the quotient obtained under division (G)(1)(b) 28087
of this section 28088

(2) Calculate the district's building leadership support cost 28089
for that fiscal year as follows: 28090

(a) Divide the district's base cost enrolled ADM for that 28091
fiscal year by 400; 28092

(b) Determine the number of school buildings in the district 28093
for that fiscal year; 28094

(c) Compute the building leadership support cost in 28095
accordance with the following formula: 28096

(i) If the quotient obtained under division (G)(2)(a) of this 28097
section is less than the number obtained under division (G)(2)(b) 28098
of this section, then the district's building leadership support 28099
cost shall be equal to {the number obtained under division 28100
(G)(2)(b) of this section X [(the average clerical staff salary X 28101
1.16) + the amount specified under division (A)(10)(c) of section 28102
3317.011 of the Revised Code for that fiscal year]}. 28103

(ii) If the quotient obtained under division (G)(2)(a) of 28104
this section is greater than or equal to the number obtained under 28105
division (G)(2)(b) of this section, then the district's building 28106
leadership support cost shall be equal to {[the lesser of (the 28107
number obtained under division (G)(2)(b) of this section X 3) and 28108

the quotient obtained under division (G)(2)(a) of this section] X 28109
[(the average clerical staff salary for that fiscal year X 1.16) + 28110
the amount specified under division (A)(10)(c) of section 3317.011 28111
of the Revised Code for that fiscal year]}. 28112

(3) Compute the district's building operations cost for that 28113
fiscal year in accordance with the following formula: 28114
The district's base cost enrolled ADM for that fiscal year X [(the 28115
number determined under division (G)(3)(a)(i) of section 3317.011 28116
of the Revised Code X the number determined under division 28117
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 28118
amount determined under division (E)(5)(a) of section 3317.011 of 28119
the Revised Code for that fiscal year / the sum determined under 28120
division (E)(5)(b) of section 3317.011 of the Revised Code for 28121
that fiscal year)] 28122

(4) Calculate the district's building leadership and 28123
operations base cost for that fiscal year, which equals the sum of 28124
divisions (G)(1), (2), and (3) of this section. 28125

Sec. 3317.013. ~~The amounts~~ multipliers for the following 28126
categories of special education programs, as these programs are 28127
defined for purposes of Chapter 3323. of the Revised Code, are as 28128
follows: 28129

(A) ~~An amount of \$1,578~~ A multiple of 0.2435 for ~~each student~~ 28130
~~students~~ whose primary or only identified disability is a speech 28131
and language disability, as this term is defined pursuant to 28132
Chapter 3323. of the Revised Code; 28133

(B) ~~An amount of \$4,005~~ A multiple of 0.6179 for ~~each student~~ 28134
~~students~~ identified as specific learning disabled or 28135
developmentally disabled, as these terms are defined pursuant to 28136
Chapter 3323. of the Revised Code, identified as having an other 28137
health impairment-minor, or identified as a preschool child who is 28138
developmentally delayed; 28139

(C) ~~An amount of \$9,622~~ A multiple of 1.4845 for each ~~student~~ students identified as hearing disabled or severe behavior disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) ~~An amount of \$12,841~~ A multiple of 1.9812 for each ~~student~~ students identified as vision impaired, as this term is defined pursuant to Chapter 3323. of the Revised Code, or as having an other health impairment-major;

(E) ~~An amount of \$17,390~~ A multiple of 2.6830 for each ~~student~~ students identified as orthopedically disabled or as having multiple disabilities, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(F) ~~An amount of \$25,637~~ A multiple of 3.9554 for each ~~student~~ students identified as autistic, having traumatic brain injuries, or as both visually and hearing impaired, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

Sec. 3317.014. ~~(A) The career-technical education additional amount per pupil for each student enrolled in multiples for the following categories of career-technical education programs approved by the department of education under section 3317.161 of the Revised Code shall be as follows:~~

~~(A) An amount of \$5,192~~ (1) A multiple of 0.6230 for each ~~student~~ students enrolled in career-technical education workforce development programs in agricultural and environmental systems, construction technologies, engineering and science technologies, finance, health science, information technology, and manufacturing technologies, each of which shall be defined by the department in consultation with the governor's office of workforce transformation;

~~(B) An amount of \$4,921~~ (2) A multiple of 0.5905 for each

~~student~~ students enrolled in workforce development programs in 28170
business and administration, hospitality and tourism, human 28171
services, law and public safety, transportation systems, and arts 28172
and communications, each of which shall be defined by the 28173
department in consultation with the governor's office of workforce 28174
transformation; 28175

~~(C) An amount of \$1,795 (3) A multiple of 0.2154~~ for students 28176
enrolled in career-based intervention programs, which shall be 28177
defined by the department in consultation with the governor's 28178
office of workforce transformation; 28179

~~(D) An amount of \$1,525 (4) A multiple of 0.1830~~ for students 28180
enrolled in workforce development programs in education and 28181
training, marketing, workforce development academics, public 28182
administration, and career development, each of which shall be 28183
defined by the department of education in consultation with the 28184
governor's office of workforce transformation; 28185

~~(E) An amount of \$1,308 (5) A multiple of 0.1570~~ for students 28186
enrolled in family and consumer science programs, which shall be 28187
defined by the department of education in consultation with the 28188
governor's office of workforce transformation. 28189

(B) The amount multiple for career-technical education 28190
associated services, as defined by the department, shall be ~~\$245~~ 28191
0.0294. 28192

(C) The department of education shall calculate 28193
career-technical education funds for each city, local, exempted 28194
village, and joint vocational school district as the sum of the 28195
following: 28196

(1) The district's category one career-technical education 28197
ADM X the multiple specified in division (A)(1) of this section X 28198
the statewide average career-technical base cost per pupil for 28199
that fiscal year X the district's state share percentage; 28200

<u>(2) The district's category two career-technical education</u>	28201
<u>ADM X the multiple specified in division (A)(2) of this section X</u>	28202
<u>the statewide average career-technical base cost per pupil for</u>	28203
<u>that fiscal year X the district's state share percentage;</u>	28204
<u>(3) The district's category three career-technical education</u>	28205
<u>ADM X the multiple specified in division (A)(3) of this section X</u>	28206
<u>the statewide average career-technical base cost per pupil for</u>	28207
<u>that fiscal year X the district's state share percentage;</u>	28208
<u>(4) The district's category four career-technical education</u>	28209
<u>ADM X the multiple specified in division (A)(4) of this section X</u>	28210
<u>the statewide average career-technical base cost per pupil for</u>	28211
<u>that fiscal year X the district's state share percentage;</u>	28212
<u>(5) The district's category five career-technical education</u>	28213
<u>ADM X the multiple specified in division (A)(5) of this section X</u>	28214
<u>the statewide average career-technical base cost per pupil for</u>	28215
<u>that fiscal year X the district's state share percentage.</u>	28216
<u>Payment of funds calculated under division (C) of this</u>	28217
<u>section is subject to approval under section 3317.161 of the</u>	28218
<u>Revised Code.</u>	28219
<u>(D) The department shall calculate career-technical</u>	28220
<u>associated services funds for each city, local, exempted village,</u>	28221
<u>and joint vocational school district as follows:</u>	28222
<u>The district's state share percentage X the multiple for</u>	28223
<u>career-technical education associated services specified under</u>	28224
<u>division (B) of this section X the statewide average</u>	28225
<u>career-technical base cost per pupil for that fiscal year X the</u>	28226
<u>sum of the district's categories one through five career-technical</u>	28227
<u>education ADM</u>	28228
<u>(E) The department shall pay career awareness and exploration</u>	28229
<u>funds to city, local, exempted village, and joint vocational</u>	28230
<u>school districts calculated as follows:</u>	28231

The district's enrolled ADM X \$2.50, for fiscal year 2022, \$5, for 28232
fiscal year 2023, \$7.50, for fiscal year 2024, or \$10, for fiscal 28233
year 2025 and each fiscal year thereafter 28234

(F)(1) In any fiscal year, a school district receiving funds 28235
calculated under division (C) of this section shall spend those 28236
funds only for the purposes that the department designates as 28237
approved for career-technical education expenses. Career-technical 28238
education expenses approved by the department shall include only 28239
expenses connected to the delivery of career-technical programming 28240
to career-technical students. The department shall require the 28241
school district to report data annually so that the department may 28242
monitor the district's compliance with the requirements regarding 28243
the manner in which funding calculated under division (C) of this 28244
section may be spent. 28245

(2) All funds received under division (C) of this section 28246
shall be spent in the following manner: 28247

(a) At least seventy-five per cent of the funds shall be 28248
spent on curriculum development, purchase, and implementation; 28249
instructional resources and supplies; industry-based program 28250
certification; student assessment, credentialing, and placement; 28251
curriculum specific equipment purchases and leases; 28252
career-technical student organization fees and expenses; home and 28253
agency linkages; work-based learning experiences; professional 28254
development; and other costs directly associated with 28255
career-technical education programs including development of new 28256
programs. 28257

(b) Not more than twenty-five per cent of the funds shall be 28258
used for personnel expenditures. 28259

(G) In any fiscal year, a school district receiving funds 28260
calculated under division (D) of this section, or through a 28261
transfer of funds pursuant to division (I) of section 3317.023 of 28262
the Revised Code, shall spend those funds only for the purposes 28263

that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment of funds calculated under division (D) of this section to any district that the department determines is not operating those services or is using funds calculated under division (D) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(H) In any fiscal year, a lead district of a career-technical planning district receiving funds under division (E) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall disperse those funds to school districts, community schools, and STEM schools receiving services from that district that provide plans for the use of those funds that are consistent with the career-technical planning district's plan that is on file with the department of education. A district or school that receives funds under this division shall spend those funds only for the following purposes:

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;

(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;

(3) Assistance to teachers in providing a career development curriculum to students;

(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;

(5) Provision of opportunities for students to engage in

activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level. 28295
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The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes. 28297
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Sec. 3317.016. The ~~amounts~~ multiples for English learners shall be as follows: 28300
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(A) ~~An amount of \$1,515~~ A multiple of 0.2104 for each student who has been enrolled in schools in the United States for 180 school days or less and was not previously exempted from taking the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing). 28302
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(B) ~~An amount of \$1,136~~ A multiple of 0.1577 for each student who has been enrolled in schools in the United States for more than 180 school days ~~or was previously exempted from taking until the student achieves a score on the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing) that falls within the levels of achievement specified in divisions (A)(2)(a) to (c) of that section.~~ 28308
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(C) ~~An amount of \$758~~ A multiple of 0.1053 for each student who ~~does not qualify for inclusion under division (A) or (B) of this section and is in a trial mainstream period, as defined by the department~~ achieves a score on the spring administration of either of the state's English language arts assessments prescribed by section 3301.0710 of the Revised Code (reading or writing) that falls within the levels of achievement specified in divisions (A)(2)(a) to (c) of that section, for the two school years following the school year in which the student achieved that level of achievement. 28316
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<u>Sec. 3317.017. (A) The department of education shall compute</u>	28326
<u>a city, local, or exempted village school district's per-pupil</u>	28327
<u>local capacity amount for a fiscal year as follows:</u>	28328
<u>(1) Calculate the district's valuation per pupil for that</u>	28329
<u>fiscal year as follows:</u>	28330
<u>(a) Determine the minimum of the district's three-year</u>	28331
<u>average valuation for the fiscal year for which the calculation is</u>	28332
<u>made and the district's taxable value for the most recent tax year</u>	28333
<u>for which data is available;</u>	28334
<u>(b) Divide the amount determined under division (A)(1)(a) of</u>	28335
<u>this section by the district's base cost enrolled ADM for the</u>	28336
<u>fiscal year for which the calculation is made.</u>	28337
<u>(2) Calculate the district's local share federal adjusted</u>	28338
<u>gross income per pupil for that fiscal year as follows:</u>	28339
<u>(a) Determine the minimum of the following:</u>	28340
<u>(i) The average of the total federal adjusted gross income of</u>	28341
<u>the district's residents for the three most recent tax years for</u>	28342
<u>which data is available, as certified under section 3317.021 of</u>	28343
<u>the Revised Code;</u>	28344
<u>(ii) The total federal adjusted gross income of the</u>	28345
<u>district's residents for the most recent tax year for which data</u>	28346
<u>is available, as certified under section 3317.021 of the Revised</u>	28347
<u>Code.</u>	28348
<u>(b) Divide the amount determined under division (A)(2)(a) of</u>	28349
<u>this section by the district's base cost enrolled ADM for the</u>	28350
<u>fiscal year for which the calculation is made.</u>	28351
<u>(3) Calculate the district's adjusted local share federal</u>	28352
<u>adjusted gross income per pupil for that fiscal year as follows:</u>	28353
<u>(a) Determine both of the following:</u>	28354

<u>(i) The median federal adjusted gross income of the</u>	28355
<u>district's residents for the most recent tax year for which data</u>	28356
<u>is available, as certified under section 3317.021 of the Revised</u>	28357
<u>Code;</u>	28358
<u>(ii) The number of state tax returns filed by taxpayers</u>	28359
<u>residing in the district for the most recent tax year for which</u>	28360
<u>data is available, as certified under section 3317.021 of the</u>	28361
<u>Revised Code.</u>	28362
<u>(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of</u>	28363
<u>this section;</u>	28364
<u>(c) Divide the amount determined under division (A)(3)(b) of</u>	28365
<u>this section by the district's base cost enrolled ADM for the</u>	28366
<u>fiscal year for which the calculation is made.</u>	28367
<u>(4) Calculate the district's per-pupil local capacity</u>	28368
<u>percentage as follows:</u>	28369
<u>(a) Determine the median of the median federal adjusted gross</u>	28370
<u>incomes determined for all districts statewide under division</u>	28371
<u>(A)(3)(a)(i) of this section for that fiscal year;</u>	28372
<u>(b) Divide the district's median federal adjusted gross</u>	28373
<u>income for that fiscal year determined under division (A)(3)(a)(i)</u>	28374
<u>of this section by the median federal adjusted gross income for</u>	28375
<u>all districts statewide determined under division (A)(4)(a) of</u>	28376
<u>this section;</u>	28377
<u>(c) Rank all school districts in order of the ratios</u>	28378
<u>calculated under division (A)(4)(b) of this section, from the</u>	28379
<u>district with the highest ratio calculated under division</u>	28380
<u>(A)(4)(b) of this section to the district with the lowest ratio</u>	28381
<u>calculated under division (A)(4)(b) of this section;</u>	28382
<u>(d) Determine the district's per-pupil local capacity</u>	28383
<u>percentage as follows:</u>	28384

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025. 28385
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(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows: 28391
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{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225 28398
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(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225. 28403
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(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows: 28408
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(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.60) + (the district's local share adjusted federal gross income per pupil calculated under division (A)(2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division 28410
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(A)(4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A)(3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.20) 28417
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(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows: 28422
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(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year). 28425
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(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year]. 28431
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(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows: 28438
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The district's state share calculated under division (B) of this section for that fiscal year/ the aggregate base cost calculated for the district for that fiscal year under section 3317.011 of the Revised Code 28441
28442
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Sec. 3317.018. (A) The statewide average base cost per pupil shall be determined as follows: 28445
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(1) For fiscal year 2022, the statewide average base cost per 28447

pupil shall be equal to the sum of the aggregate base cost 28448
calculated for all city, local, and exempted village school 28449
districts in the state for that fiscal year under section 3317.011 28450
of the Revised Code divided by the sum of the base cost enrolled 28451
ADMs of all of the city, local, and exempted village school 28452
districts in the state for that fiscal year. 28453

(2) For fiscal years 2023, 2024, 2025, 2026, and 2027, the 28454
statewide average base cost per pupil shall be equal to the amount 28455
calculated under division (A)(1) of this section. 28456

(3) For fiscal year 2028 and for each fiscal year thereafter, 28457
the statewide average base cost per pupil shall be equal to the 28458
sum of the aggregate base cost calculated for all city, local, and 28459
exempted village school districts in the state under section 28460
3317.011 of the Revised Code for that fiscal year divided by the 28461
sum of the base cost enrolled ADMs of all of the city, local, and 28462
exempted village school districts in the state for that fiscal 28463
year. 28464

(B) The statewide average career-technical base cost per 28465
pupil shall be determined as follows: 28466

(1) For fiscal year 2022, the statewide average 28467
career-technical base cost per pupil shall be equal to the sum of 28468
the aggregate base cost calculated for all joint vocational school 28469
districts in the state for that fiscal year under section 3317.012 28470
of the Revised Code divided by the sum of the base cost enrolled 28471
ADMs of all of the joint vocational school districts in the state 28472
for that fiscal year. 28473

(2) For fiscal years 2023, 2024, 2025, 2026, and 2027, the 28474
statewide average career-technical base cost per pupil shall be 28475
equal to the amount calculated under division (B)(1) of this 28476
section. 28477

(3) For fiscal year 2028 and for each fiscal year thereafter, 28478

the statewide average career-technical base cost per pupil shall 28479
be equal to the sum of the aggregate base cost calculated for all 28480
joint vocational school districts in the state under section 28481
3317.012 of the Revised Code for that fiscal year divided by the 28482
sum of the base cost enrolled ADMs of all of the joint vocational 28483
school districts in the state for that fiscal year. 28484

Sec. 3317.019. (A)(1) Subject to division (D) of this 28485
section, for fiscal years 2022 and 2023, the department of 28486
education shall pay temporary transitional aid to each city, 28487
local, and exempted village school district according to the 28488
following formula: 28489

(The district's funding base, as that term is defined in section 28490
3317.02 of the Revised Code) - (the district's payment under 28491
section 3317.022 of the Revised Code for the fiscal year for which 28492
the payment is computed) 28493

If the computation made under division (A)(1) of this section 28494
results in a negative number, the district's funding under 28495
division (A)(1) of this section shall be zero. 28496

(2) For fiscal years 2022 and 2023, the department shall pay 28497
temporary transitional transportation aid to that district 28498
according to the following formula: 28499

(The amount calculated for the district for fiscal year 2020 under 28500
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 28501
general assembly, prior to any funding reductions authorized by 28502
Executive Order 2020-19D, "Implementing Additional Spending 28503
Controls to Balance the State Budget" issued on May 7, 2020) - 28504
(the district's payment for fiscal year 2019 under division (D)(2) 28505
of section 3314.091 of the Revised Code as that division existed 28506
prior to the effective date of this amendment) - (the district's 28507
payment under section 3317.0212 of the Revised Code for the fiscal 28508
year for which the payment is computed) 28509

If the computation made under division (A)(2) of this section results in a negative number, the district's funding under division (A)(2) of this section shall be zero. 28510
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28512

(B) Subject to division (D) of this section, for fiscal year 2024 and for each fiscal year thereafter, the department shall pay temporary transitional aid to each city, local, and exempted village school district according to the following formula: 28513
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(The district's guaranteed funding for the third preceding fiscal year / the average of the district's enrolled ADM for the third, fourth, and fifth preceding fiscal years) - (the district's payment under section 3317.022 of the Revised Code for the fiscal year for which the payment is calculated / the district's enrolled ADM for the fiscal year for which the payment is calculated) X the district's enrolled ADM for the fiscal year for which the payment is calculated 28517
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If the computation made under this division results in a negative number, the district's funding under this division shall be zero. 28525
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For purposes of this computation, a district's "guaranteed funding" means the following: 28528
28529

(1) For fiscal year 2021, the district's funding base, as that term is defined in section 3317.02 of the Revised Code. 28530
28531

(2) For fiscal years 2022 and 2023, the district's payment for that fiscal year under section 3317.022 of the Revised Code plus the district's payment for that fiscal year under division (A)(1) of this section; 28532
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(3) For fiscal year 2024 and for each fiscal year thereafter, the district's payment for that fiscal year under section 3317.022 of the Revised Code plus the district's payment for that fiscal year under division (B) of this section. 28536
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(C) If a local school district participates in the 28540

establishment of a joint vocational school district that begins 28541
receiving payments under section 3317.16 of the Revised Code for 28542
fiscal year 2022 or for any fiscal year thereafter, but does not 28543
receive payments for the fiscal year immediately preceding that 28544
fiscal year, the department shall adjust, as necessary, the 28545
following according to the amounts received by the district in the 28546
immediately preceding fiscal year for career-technical education 28547
students who attend the newly established joint vocational school 28548
district: 28549

(1) For purposes of division (A)(1) of this section, the 28550
district's funding base, as that term is defined in section 28551
3317.02 of the Revised Code. 28552

(2) For purposes of division (B) of this section, the 28553
district's guaranteed funding. 28554

(D)(1) For purposes of division (D) of this section, a 28555
district's "decrease threshold" for a fiscal year is the greater 28556
of the following: 28557

(a) Twenty; 28558

(b) Ten per cent of the number of the district's students 28559
counted under division (A)(1)(b) of section 3317.03 of the Revised 28560
Code for the previous fiscal year. 28561

(2) For any fiscal year for which the general phase-in 28562
percentage is less than one hundred per cent, if a district has 28563
fewer students counted under division (A)(1)(b) of section 3317.03 28564
of the Revised Code for that fiscal year than for the previous 28565
fiscal year and the positive difference between those two student 28566
counts is greater than or equal to the district's decrease 28567
threshold for that fiscal year, the amount paid to the district 28568
under division (A) or (B) of this section shall be reduced by the 28569
following amount: 28570

The statewide average base cost per pupil X [(the positive 28571

<u>difference between the number of the district's students counted</u>	28572
<u>under division (A)(1)(b) of section 3317.03 of the Revised Code</u>	28573
<u>for that fiscal year and the number of the district's students</u>	28574
<u>counted under that division for the previous fiscal year) - the</u>	28575
<u>district's decrease threshold for that fiscal year]</u>	28576
<u>At no time, however, shall the amount paid to a district</u>	28577
<u>under division (A) or (B) of this section be less than zero.</u>	28578
Sec. 3317.02. As used in this chapter:	28579
(A) (1) <u>A district's "base cost enrolled ADM" for a fiscal</u>	28580
<u>year means the greater of the following:</u>	28581
<u>(1) The district's enrolled ADM for the previous fiscal year;</u>	28582
<u>(2) The average of the district's enrolled ADM for the</u>	28583
<u>previous three fiscal years.</u>	28584
<u>(B)(1) "Base cost per pupil" for a fiscal year means, for a</u>	28585
<u>city, local, or exempted village school district, the aggregate</u>	28586
<u>base cost calculated for that district for that fiscal year under</u>	28587
<u>section 3317.011 of the Revised Code divided by the district's</u>	28588
<u>base cost enrolled ADM for that fiscal year.</u>	28589
<u>(2) "Base cost per pupil" for a fiscal year means, for a</u>	28590
<u>joint vocational school district, the aggregate base cost</u>	28591
<u>calculated for that district for that fiscal year under section</u>	28592
<u>3317.012 of the Revised Code divided by the district's base cost</u>	28593
<u>enrolled ADM for that fiscal year.</u>	28594
<u>(C)(1) "Category one career-technical education ADM" means</u>	28595
<u>the enrollment of students during the school year on a full-time</u>	28596
<u>equivalency basis in career-technical education programs described</u>	28597
<u>in division (A)(1) of section 3317.014 of the Revised Code and</u>	28598
<u>certified under division (B)(11) or (D)(2)(h) of section 3317.03</u>	28599
<u>of the Revised Code.</u>	28600
<u>(2) "Category two career-technical education ADM" means the</u>	28601

enrollment of students during the school year on a full-time 28602
equivalency basis in career-technical education programs described 28603
in division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code and 28604
certified under division (B)(12) or (D)(2)(i) of section 3317.03 28605
of the Revised Code. 28606

(3) "Category three career-technical education ADM" means the 28607
enrollment of students during the school year on a full-time 28608
equivalency basis in career-technical education programs described 28609
in division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code and 28610
certified under division (B)(13) or (D)(2)(j) of section 3317.03 28611
of the Revised Code. 28612

(4) "Category four career-technical education ADM" means the 28613
enrollment of students during the school year on a full-time 28614
equivalency basis in career-technical education programs described 28615
in division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code and 28616
certified under division (B)(14) or (D)(2)(k) of section 3317.03 28617
of the Revised Code. 28618

(5) "Category five career-technical education ADM" means the 28619
enrollment of students during the school year on a full-time 28620
equivalency basis in career-technical education programs described 28621
in division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code and 28622
certified under division (B)(15) or (D)(2)(l) of section 3317.03 28623
of the Revised Code. 28624

~~(B)(1)~~(D)(1) "Category one English learner ADM" means the 28625
full-time equivalent number of English learners described in 28626
division (A) of section 3317.016 of the Revised Code and certified 28627
under division (B)(16) or (D)(2)(m) of section 3317.03 of the 28628
Revised Code. 28629

(2) "Category two English learner ADM" means the full-time 28630
equivalent number of English learners described in division (B) of 28631
section 3317.016 of the Revised Code and certified under division 28632

(B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code. 28633

(3) "Category three English learner ADM" means the full-time 28634
equivalent number of English learners described in division (C) of 28635
section 3317.016 of the Revised Code and certified under division 28636
(B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code. 28637

~~(C)(1)~~(E)(1) "Category one special education ADM" means the 28638
full-time equivalent number of children with disabilities 28639
receiving special education services for the disability specified 28640
in division (A) of section 3317.013 of the Revised Code and 28641
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 28642
the Revised Code. 28643

(2) "Category two special education ADM" means the full-time 28644
equivalent number of children with disabilities receiving special 28645
education services for those disabilities specified in division 28646
(B) of section 3317.013 of the Revised Code and certified under 28647
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 28648
Code. 28649

(3) "Category three special education ADM" means the 28650
full-time equivalent number of students receiving special 28651
education services for those disabilities specified in division 28652
(C) of section 3317.013 of the Revised Code, and certified under 28653
division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised 28654
Code. 28655

(4) "Category four special education ADM" means the full-time 28656
equivalent number of students receiving special education services 28657
for those disabilities specified in division (D) of section 28658
3317.013 of the Revised Code and certified under division (B)(8) 28659
or (D)(2)(e) of section 3317.03 of the Revised Code. 28660

(5) "Category five special education ADM" means the full-time 28661
equivalent number of students receiving special education services 28662
for the disabilities specified in division (E) of section 3317.013 28663

of the Revised Code and certified under division (B)(9) or 28664
(D)(2)(f) of section 3317.03 of the Revised Code. 28665

(6) "Category six special education ADM" means the full-time 28666
equivalent number of students receiving special education services 28667
for the disabilities specified in division (F) of section 3317.013 28668
of the Revised Code and certified under division (B)(10) or 28669
(D)(2)(g) of section 3317.03 of the Revised Code. 28670

~~(D)~~(F) "Economically disadvantaged index for a school 28671
district" means the square of the quotient of that district's 28672
percentage of students in its ~~total~~ enrolled ADM who are 28673
identified as economically disadvantaged as defined by the 28674
department of education, divided by the percentage of students in 28675
the statewide ~~total~~ ADM identified as economically disadvantaged. 28676
For purposes of this calculation: 28677

(1) For a city, local, or exempted village school district, 28678
the "statewide ~~total~~ ADM" equals the sum of the ~~total~~ following: 28679

(a) The enrolled ADM for all city, local, and exempted 28680
village school districts combined; 28681

(b) The statewide enrollment of students in community schools 28682
established under Chapter 3314. of the Revised Code; 28683

(c) The statewide enrollment of students in science, 28684
technology, engineering, and mathematics schools established under 28685
Chapter 3326. of the Revised Code. 28686

(2) For a joint vocational school district, the "statewide 28687
~~total~~ ADM" equals the sum of the ~~formula~~ enrolled ADM for all 28688
joint vocational school districts combined. 28689

~~(E)~~(1)(G)(1) "Enrolled ADM" means, for a city, local, or 28690
exempted village school district, the enrollment reported under 28691
division (A) of section 3317.03 of the Revised Code, as verified 28692
by the superintendent of public instruction and adjusted if so 28693

ordered under division (K) of that section, and as further 28694
adjusted by the department of education, as follows: 28695

(a) Add the students described in division (A)(1)(b) of 28696
section 3317.03 of the Revised Code; 28697

(b) Subtract the students counted under divisions (A)(2)(a), 28698
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 28699
Code; 28700

(c) Count only twenty per cent of the number of joint 28701
vocational school district students counted under division (A)(3) 28702
of section 3317.03 of the Revised Code; 28703

(d) Add twenty per cent of the number of students who are 28704
entitled to attend school in the district under section 3313.64 or 28705
3313.65 of the Revised Code and are enrolled in another school 28706
district under a career-technical education compact. 28707

(2) "Enrolled ADM" means, for a joint vocational school 28708
district, the final number verified by the superintendent of 28709
public instruction, based on the enrollment reported and certified 28710
under division (D) of section 3317.03 of the Revised Code, as 28711
adjusted, if so ordered, under division (K) of that section, and 28712
as further adjusted by the department of education by adding the 28713
students described in division (D)(1)(b) of section 3317.03 of the 28714
Revised Code. 28715

(H)(1) "Formula ADM" means, for a city, local, or exempted 28716
village school district, the enrollment reported under division 28717
(A) of section 3317.03 of the Revised Code, as verified by the 28718
superintendent of public instruction and adjusted if so ordered 28719
under division (K) of that section, and as further adjusted by the 28720
department of education, as follows: 28721

(a) Count only twenty per cent of the number of joint 28722
vocational school district students counted under division (A)(3) 28723
of section 3317.03 of the Revised Code; 28724

(b) Add twenty per cent of the number of students who are 28725
entitled to attend school in the district under section 3313.64 or 28726
3313.65 of the Revised Code and are enrolled in another school 28727
district under a career-technical education compact. 28728

(2) "Formula ADM" means, for a joint vocational school 28729
district, the final number verified by the superintendent of 28730
public instruction, based on the enrollment reported and certified 28731
under division (D) of section 3317.03 of the Revised Code, as 28732
adjusted, if so ordered, under division (K) of that section. 28733

~~(F) "Formula amount" means \$6,010, for fiscal year 2018, and 28734
\$6,020, for fiscal year 2019. 28735~~

~~(G)~~(I) "FTE basis" means a count of students based on 28736
full-time equivalency, in accordance with rules adopted by the 28737
department of education pursuant to section 3317.03 of the Revised 28738
Code. In adopting its rules under this division, the department 28739
shall provide for counting any student in category one, two, 28740
three, four, five, or six special education ADM or in category 28741
one, two, three, four, or five career-technical education ADM in 28742
the same proportion the student is counted in ~~formula~~ enrolled 28743
ADM. 28744

~~(H)~~(J) "Funding base" means, for a city, local, or exempted 28745
village school district, the sum of the following as calculated by 28746
the department: 28747

(1) The district's "general funding base," which equals the 28748
amount calculated as follows: 28749

(a) Compute the sum of the following: 28750

(i) The amount calculated for the district for fiscal year 28751
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 28752
133rd general assembly after any adjustments required under 28753
Section 265.227 of H.B. 166 of the 133rd general assembly and 28754
prior to any funding reductions authorized by Executive Order 28755

2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020; 28756
28757

(ii) The district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment. 28758
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28761

(b) Subtract from the amount calculated in division (J)(1) of this section the sum of the following: 28762
28763

(i) The following difference: 28764

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly) 28765
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(ii) The payments deducted from the district and paid to a community school for fiscal year 2020 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to the effective date of this amendment in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly; 28775
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(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 28781
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133rd general assembly; 28787

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to the effective date of this amendment, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to the effective date of this amendment, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code; 28788
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(v) The payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to the effective date of this amendment. 28799
28800
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28802

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference: 28803
28804

(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to the effective date of this amendment, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to the effective date of this amendment for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly) 28805
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28813
28814

(K) "Funding base" means, for a joint vocational school district, the sum of the following as calculated by the department: 28815
28816
28817

<u>(1) The district's "general funding base," which equals the</u>	28818
<u>amount calculated as follows:</u>	28819
<u>(a) Compute the sum of the following:</u>	28820
<u>(i) The district's payments for fiscal year 2020 under</u>	28821
<u>Section 265.225 of H.B. 166 of the 133rd general assembly after</u>	28822
<u>any adjustments required under Section 265.227 of H.B. 166 of the</u>	28823
<u>133rd general assembly;</u>	28824
<u>(ii) The district's payments for fiscal year 2020 under</u>	28825
<u>divisions (D)(1), (2), and (E)(3) of section 3313.981 of the</u>	28826
<u>Revised Code as those divisions existed prior to the effective</u>	28827
<u>date of this amendment.</u>	28828
<u>(b) Subtract from the amount paid to the district under</u>	28829
<u>division (A)(3) of section 3317.16 of the Revised Code, as that</u>	28830
<u>division existed prior to the effective date of this amendment,</u>	28831
<u>for fiscal year 2019.</u>	28832
<u>(2) The district's "disadvantaged pupil impact aid funding</u>	28833
<u>base," which equals the amount paid to the district under division</u>	28834
<u>(A)(3) of section 3317.16 of the Revised Code, as that division</u>	28835
<u>existed prior to the effective date of this amendment, for fiscal</u>	28836
<u>year 2019.</u>	28837
<u>(L) "Internet- or computer-based community school" has the</u>	28838
<u>same meaning as in section 3314.02 of the Revised Code.</u>	28839
<u>(M) "Medically fragile child" means a child to whom all of</u>	28840
<u>the following apply:</u>	28841
<u>(1) The child requires the services of a doctor of medicine</u>	28842
<u>or osteopathic medicine at least once a week due to the</u>	28843
<u>instability of the child's medical condition.</u>	28844
<u>(2) The child requires the services of a registered nurse on</u>	28845
<u>a daily basis.</u>	28846
<u>(3) The child is at risk of institutionalization in a</u>	28847

hospital, skilled nursing facility, or intermediate care facility 28848
for individuals with intellectual disabilities. 28849

~~(J)(1)~~(N)(1) A child may be identified as having an "other 28850
health impairment-major" if the child's condition meets the 28851
definition of "other health impaired" established in rules 28852
previously adopted by the state board of education and if either 28853
of the following apply: 28854

(a) The child is identified as having a medical condition 28855
that is among those listed by the superintendent of public 28856
instruction as conditions where a substantial majority of cases 28857
fall within the definition of "medically fragile child." 28858

(b) The child is determined by the superintendent of public 28859
instruction to be a medically fragile child. A school district 28860
superintendent may petition the superintendent of public 28861
instruction for a determination that a child is a medically 28862
fragile child. 28863

(2) A child may be identified as having an "other health 28864
impairment-minor" if the child's condition meets the definition of 28865
"other health impaired" established in rules previously adopted by 28866
the state board of education but the child's condition does not 28867
meet either of the conditions specified in division ~~(J)(1)~~(a) 28868
(N)(1)(a) or (b) of this section. 28869

~~(K)(0)~~(1) A city, local, exempted village, or joint 28870
vocational school district's "general phase-in percentage" is 28871
equal to the percentage for that fiscal year that is determined by 28872
the general assembly. It is the intent of the general assembly 28873
that this percentage shall increase to one hundred per cent over 28874
the course of not more than six fiscal years, beginning with 28875
fiscal year 2022. 28876

(2) A city, local, exempted village, or joint vocational 28877
school district's "phase-in percentage for disadvantaged pupil 28878

impact aid" is equal to the following: 28879

(a) For fiscal years 2022 and 2023, the "phase-in percentage for disadvantaged pupil impact aid" for that fiscal year that is determined by the general assembly; 28880
28881
28882

(b) For fiscal year 2024 and each fiscal year thereafter, the "general phase-in percentage." 28883
28884

(P) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten. 28885
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28889

~~(L)~~(Q) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code. 28890
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28892

~~(M)~~(R) "Related services" includes: 28893

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (B)(3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department; 28894
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(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability; 28902
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(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services; 28905
28906
28907

(4) Any service included in units funded under former 28908

division (O)(1) of section 3317.024 of the Revised Code; 28909

(5) Any other related service needed by children with 28910
disabilities in accordance with their individualized education 28911
programs. 28912

~~(N)~~(S) "School district," unless otherwise specified, means 28913
city, local, and exempted village school districts. 28914

~~(O)~~(T) "State education aid" has the same meaning as in 28915
section 5751.20 of the Revised Code. 28916

~~(P)~~(U)(1) "State share ~~index~~ percentage" means, for a city, 28917
local, or exempted village school district, the state share ~~index~~ 28918
percentage calculated ~~for a district~~ under section 3317.017 of the 28919
Revised Code. 28920

~~(Q)~~(2) "State share percentage" means, for a joint vocational 28921
school district, the percentage calculated in accordance with the 28922
following formula: 28923

The amount computed for the district under division (A)(1) of 28924
section 3317.16 of the Revised Code for that fiscal year / the 28925
aggregate base cost calculated for the district for that fiscal 28926
year under section 3317.012 of the Revised Code 28927

(V) "Statewide average base cost per pupil" for a fiscal year 28928
means the statewide average base cost per pupil calculated under 28929
division (A) of section 3317.018 of the Revised Code. 28930

(W) "Statewide average career-technical base cost per pupil" 28931
for a fiscal year means the statewide average career-technical 28932
base cost per pupil calculated under division (B) of section 28933
3317.018 of the Revised Code. 28934

(X) "Taxes charged and payable" means the taxes charged and 28935
payable against real and public utility property after making the 28936
reduction required by section 319.301 of the Revised Code, plus 28937
the taxes levied against tangible personal property. 28938

~~(R)(1)(Y)~~ For purposes of ~~section~~ sections 3317.017 and 28939
3317.16 of the Revised Code, "three-year average valuation" for a 28940
fiscal year means the average of total taxable value for ~~tax years~~ 28941
2014, 2015, and 2016 the three most recent tax years for which 28942
data is available, as certified under section 3317.021 of the 28943
Revised Code. 28944

~~(2)~~ For purposes of ~~sections~~ 3317.0217, 3317.0218, and 28945
3317.16 of the Revised Code, "three year average valuation" ~~means~~ 28946
the following: 28947

~~(a)~~ For fiscal year 2018, the average of total taxable value 28948
for tax years 2014, 2015, and 2016: 28949

~~(b)~~ For fiscal year 2019, the average of total taxable value 28950
for tax years 2015, 2016, and 2017. 28951

~~(S)(Z)~~ "Total ADM" means, for a city, local, or exempted 28952
village school district, the enrollment reported under division 28953
(A) of section 3317.03 of the Revised Code, as verified by the 28954
superintendent of public instruction and adjusted if so ordered 28955
under division (K) of that section. 28956

~~(T)(AA)~~ "Total special education ADM" means the sum of 28957
categories one through six special education ADM. 28958

~~(U)(BB)~~ "Total taxable value" means the sum of the amounts 28959
certified for a city, local, exempted village, or joint vocational 28960
school district under divisions (A)(1) and (2) of section 3317.021 28961
of the Revised Code. 28962

Sec. 3317.021. (A) On or before the first day of June of each 28963
year, the tax commissioner shall certify to the department of 28964
education and the office of budget and management the information 28965
described in divisions (A)(1) to (5) of this section for each 28966
city, exempted village, and local school district, and the 28967
information required by divisions (A)(1) and (2) of this section 28968

for each joint vocational school district, and it shall be used, 28969
along with the information certified under division (B) of this 28970
section, in making the computations for the district under this 28971
chapter. 28972

(1) The taxable value of real and public utility real 28973
property in the school district subject to taxation in the 28974
preceding tax year, by class and by county of location. 28975

(2) The taxable value of tangible personal property, 28976
including public utility personal property, subject to taxation by 28977
the district for the preceding tax year. 28978

(3)(a) The total property tax rate and total taxes charged 28979
and payable for the current expenses for the preceding tax year 28980
and the total property tax rate and the total taxes charged and 28981
payable to a joint vocational district for the preceding tax year 28982
that are limited to or to the extent apportioned to current 28983
expenses. 28984

(b) The portion of the amount of taxes charged and payable 28985
reported for each city, local, and exempted village school 28986
district under division (A)(3)(a) of this section attributable to 28987
a joint vocational school district. 28988

(4) The value of all real and public utility real property in 28989
the school district exempted from taxation minus both of the 28990
following: 28991

(a) The value of real and public utility real property in the 28992
district owned by the United States government and used 28993
exclusively for a public purpose; 28994

(b) The value of real and public utility real property in the 28995
district exempted from taxation under Chapter 725. or 1728. or 28996
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 28997
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 28998

(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(6) The number of state tax returns filed by the residents of the district for the most recent year for which this information is available.

(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location.

(C) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to determine the extent to which any school district income tax levied by the district under Chapter 5748. of the Revised Code shall be included in meeting that requirement. Within five days of receiving such a request from the department, the tax commissioner shall make the determination required by this division and report the quotient obtained under division (C)(3) of this section to the department and the office of budget and management. This quotient represents the number of mills that the department shall include in determining whether the district meets the qualification requirement of division (A) of section 3317.01 of the Revised Code.

The tax commissioner shall make the determination required by this division as follows:

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.

Sec. 3317.022. ~~(A)~~ The department of education shall compute and distribute state core foundation funding to each eligible school district for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins, ~~as prescribed in the following divisions~~ in accordance with the following formula:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in accordance with division (J)(1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A)(4) of this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (J)(2) of section 3317.02 of the

<u>Revised Code) X the district's phase-in percentage for</u>	29062
<u>disadvantaged pupil impact aid for that fiscal year]</u>	29063
<u>(A) A district's state core foundation funding components</u>	29064
<u>shall be all of the following:</u>	29065
(1) An opportunity grant <u>The district's state share</u>	29066
calculated according to the following formula:	29067
The formula amount X (formula ADM + preschool scholarship	29068
ADM) X the district's state share index <u>under division (B) of</u>	29069
<u>section 3317.017 of the Revised Code;</u>	29070
(2) Targeted assistance funds calculated under divisions (A)	29071
and (B) of section 3317.0217 of the Revised Code;	29072
(3) Additional state aid for special education and related	29073
services provided under Chapter 3323. of the Revised Code	29074
calculated as the sum of the following:	29075
(a) The district's category one special education ADM X the	29076
amount <u>multiple</u> specified in division (A) of section 3317.013 of	29077
the Revised Code X <u>the statewide average base cost per pupil for</u>	29078
<u>that fiscal year X</u> the district's state share index;	29079
(b) The district's category two special education ADM X the	29080
amount <u>multiple</u> specified in division (B) of section 3317.013 of	29081
the Revised Code X <u>the statewide average base cost per pupil for</u>	29082
<u>that fiscal year X</u> the district's state share index;	29083
(c) The district's category three special education ADM X the	29084
amount <u>multiple</u> specified in division (C) of section 3317.013 of	29085
the Revised Code X <u>the statewide average base cost per pupil for</u>	29086
<u>that fiscal year X</u> the district's state share index;	29087
(d) The district's category four special education ADM X the	29088
amount <u>multiple</u> specified in division (D) of section 3317.013 of	29089
the Revised Code X <u>the statewide average base cost per pupil for</u>	29090
<u>that fiscal year X</u> the district's state share index;	29091

(e) The district's category five special education ADM X the amount multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share index; 29092
29093
29094
29095

(f) The district's category six special education ADM X the amount multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~percentage. 29096
29097
29098
29099

~~(4) Kindergarten through third grade literacy funds calculated according to the following formula:~~ 29100
29101

~~(\$193 X formula ADM for grades kindergarten through three X the district's state share index) + (\$127 X formula ADM for grades kindergarten through three)~~ 29102
29103
29104

~~For purposes of this calculation, the department shall subtract from a district's formula ADM for grades kindergarten through three the number of students reported under division (B)(3)(c) of section 3317.03 of the Revised Code as enrolled in an internet or computer based community school who are in grades kindergarten through three.~~ 29105
29106
29107
29108
29109
29110

~~(5) Economically disadvantaged funds Disadvantaged pupil impact aid calculated according to the following formula:~~ 29111
29112

~~\$272 \$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B)(21) of section 3317.03 of the Revised Code~~ 29113
29114
29115
29116

~~(6)(5) English learner funds calculated as the sum of the following:~~ 29117
29118

(a) The district's category one English learner ADM X the amount multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for 29119
29120
29121

that fiscal year X the district's state share ~~index~~ percentage; 29122

(b) The district's category two English learner ADM X the ~~amount~~ multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~ percentage; 29123
29124
29125
29126

(c) The district's category three English learner ADM X the ~~amount~~ multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share ~~index~~ percentage. 29127
29128
29129
29130

~~(7)(a)(6)(a)~~ Gifted identification funds calculated according to the following formula: 29131
29132

~~\$5.05~~ \$24 X the district's ~~formula~~ enrolled ADM for grades kindergarten through six X the district's state share percentage 29133
29134

(b) Gifted referral funds calculated according to the following formula: 29135
29136

\$2.50 X the district's enrolled ADM X the district's state share percentage 29137
29138

(c) Gifted professional development funds calculated according to the following formula: 29139
29140

(The greater of the number of gifted students enrolled in the district as certified under division (B)(22) of section 3317.03 of the Revised Code and ten per cent of the district's enrolled ADM) 29141
29142
X the district's state share percentage X \$7, for fiscal year 2022, \$14, for fiscal year 2023, \$21, for fiscal year 2024, or \$28, for fiscal year 2025 29143
29144
29145
29146

The department shall make no payments under division (A)(6)(c) of this section for fiscal year 2026 or for each fiscal year thereafter. 29147
29148
29149

(d) Gifted unit funding calculated under section 3317.051 of the Revised Code. 29150
29151

(8)(7) Career-technical education funds calculated as the sum	29152
of the following:	29153
(a) The district's category one career technical education	29154
ADM X the amount specified in division (A) of section 3317.014 of	29155
the Revised Code X the district's state share index;	29156
(b) The district's category two career technical education	29157
ADM X the amount specified in division (B) of section 3317.014 of	29158
the Revised Code X the district's state share index;	29159
(c) The district's category three career technical education	29160
ADM X the amount specified in division (C) of section 3317.014 of	29161
the Revised Code X the district's state share index;	29162
(d) The district's category four career technical education	29163
ADM X the amount specified in division (D) of section 3317.014 of	29164
the Revised Code X the district's state share index;	29165
(e) The district's category five career technical education	29166
ADM X the amount specified in division (E) of section 3317.014 of	29167
the Revised Code X the district's state share index.	29168
Payment of funds under division (A)(8) of this section is	29169
subject to approval under section 3317.161 of the Revised Code.	29170
(9) <u>under division (C) of section 3317.014 of the Revised</u>	29171
<u>Code.</u>	29172
(8) Career-technical education associated services funds	29173
calculated according to the following formula:	29174
The district's state share index X the amount for career technical	29175
education associated services specified in section 3317.014 of the	29176
Revised Code X the sum of categories one through five	29177
career technical education ADM	29178
(10) Capacity aid funds calculated under section 3317.0218 of	29179
the Revised Code;	29180
(11) A graduation bonus calculated under section 3317.0215 of	29181

~~the Revised Code;~~ 29182

~~(12) A third grade reading bonus calculated under section~~ 29183
~~3317.0216 of the Revised Code under division (D) of section~~ 29184
~~3317.014 of the Revised Code.~~ 29185

(B) In any fiscal year, a school district shall spend for 29186
purposes that the department designates as approved for special 29187
education and related services expenses at least the amount 29188
calculated as follows: 29189

(The ~~formula amount~~ base cost per pupil calculated for the 29190
district for that fiscal year X the total special education ADM) + 29191
(the district's category one special education ADM X the ~~amount~~ 29192
multiple specified in division (A) of section 3317.013 of the 29193
Revised Code X the statewide average base cost per pupil for that 29194
fiscal year) + (the district's category two special education ADM 29195
X the ~~amount~~ multiple specified in division (B) of section 29196
3317.013 of the Revised Code X the statewide average base cost per 29197
pupil for that fiscal year) + (the district's category three 29198
special education ADM X the ~~amount~~ multiple specified in division 29199
(C) of section 3317.013 of the Revised Code X the statewide 29200
average base cost per pupil for that fiscal year) + (the 29201
district's category four special education ADM X the ~~amount~~ 29202
multiple specified in division (D) of section 3317.013 of the 29203
Revised Code X the statewide average base cost per pupil for that 29204
fiscal year) + (the district's category five special education ADM 29205
X the ~~amount~~ multiple specified in division (E) of section 29206
3317.013 of the Revised Code X the statewide average base cost per 29207
pupil for that fiscal year) + (the district's category six special 29208
education ADM X the ~~amount~~ multiple specified in division (F) of 29209
section 3317.013 of the Revised Code X the statewide average base 29210
cost per pupil for that fiscal year) 29211

The purposes approved by the department for special education 29212
expenses shall include, but shall not be limited to, 29213

identification of children with disabilities, compliance with 29214
state rules governing the education of children with disabilities 29215
and prescribing the continuum of program options for children with 29216
disabilities, provision of speech language pathology services, and 29217
the portion of the school district's overall administrative and 29218
overhead costs that are attributable to the district's special 29219
education student population. 29220

~~The scholarships deducted from the school district's account 29221
under sections 3310.41 and 3310.55 of the Revised Code shall be 29222
considered to be an approved special education and related 29223
services expense for the purpose of the school district's 29224
compliance with this division. 29225~~

~~(C) In any fiscal year, a school district receiving funds 29226
under division (A)(8) of this section shall spend those funds only 29227
for the purposes that the department designates as approved for 29228
career technical education expenses. Career technical education 29229
expenses approved by the department shall include only expenses 29230
connected to the delivery of career technical programming to 29231
career technical students. The department shall require the school 29232
district to report data annually so that the department may 29233
monitor the district's compliance with the requirements regarding 29234
the manner in which funding received under division (A)(8) of this 29235
section may be spent. 29236~~

~~(D) In any fiscal year, a school district receiving funds 29237
under division (A)(9) of this section, or through a transfer of 29238
funds pursuant to division (I) of section 3317.023 of the Revised 29239
Code, shall spend those funds only for the purposes that the 29240
department designates as approved for career technical education 29241
associated services expenses, which may include such purposes as 29242
apprenticeship coordinators, coordinators for other 29243
career technical education services, career technical evaluation, 29244
and other purposes designated by the department. The department 29245~~

~~may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.~~

~~(E) All funds received under division (A)(8) of this section shall be spent in the following manner:~~

~~(1) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~

~~(2) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~

~~(F) A school district shall spend the funds it receives under division (A)(5)(A)(4) of this section in accordance with section 3317.25 of the Revised Code.~~

(D) In any fiscal year, a school district shall spend the funds it receives under division (A)(5) of this section only for services for English learners.

(E) In any fiscal year, a school district shall spend the funds it receives under division (A)(6) of this section only for the identification of gifted students, gifted coordinator services, gifted intervention specialist services, other service providers approved by the department of education, and gifted professional development. For any fiscal year, if the department

determines that a district is not in compliance with this 29277
division, it shall reduce the district's payments for that fiscal 29278
year under this chapter by an amount equal to the amount paid to 29279
the district for that fiscal year under division (A)(6) of this 29280
section that was not spent in accordance with this division. 29281

Sec. 3317.023. (A) The amounts required to be paid to a 29282
district under this chapter shall be adjusted by the amount of the 29283
computations made under divisions (B) to (K) of this section. 29284

As used in this section: 29285

(1) "Career-technical planning district" or "CTPD" means a 29286
school district or group of school districts designated by the 29287
department of education as being responsible for the planning for 29288
and provision of career-technical education services to students 29289
within the district or group. A community school established under 29290
Chapter 3314. of the Revised Code or a STEM school established 29291
under Chapter 3326. of the Revised Code that is serving students 29292
in any of grades seven through twelve shall be assigned to a 29293
career-technical planning district by the department. 29294

(2) "Lead district" means a school district, including a 29295
joint vocational school district, designated by the department as 29296
a CTPD, or designated to provide primary career-technical 29297
education leadership within a CTPD composed of a group of 29298
districts, community schools assigned to the CTPD, and STEM 29299
schools assigned to the CTPD. 29300

(B) If a local, city, or exempted village school district to 29301
which a governing board of an educational service center provides 29302
services pursuant to an agreement entered into under section 29303
3313.843 of the Revised Code, deduct the amount of the payment 29304
required for the reimbursement of the governing board under that 29305
section. 29306

(C)(1) If the district is required to pay to or entitled to receive tuition from another school district under division (C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the superintendent of public instruction is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A)(1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the superintendent of public instruction under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made by the superintendent of public instruction pursuant to division (E)(3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such

payments under division (F)(1) of this section, add the amount of 29338
such payments. 29339

(G) If the district is required to pay an amount of funds to 29340
a cooperative education district pursuant to a provision described 29341
by division (B)(4) of section 3311.52 or division (B)(8) of 29342
section 3311.521 of the Revised Code, deduct such amounts as 29343
provided under that provision and credit those amounts to the 29344
cooperative education district for payment to the district under 29345
division (B)(1) of section 3317.19 of the Revised Code. 29346

(H)(1) If a district is educating a student entitled to 29347
attend school in another district pursuant to a shared education 29348
contract, compact, or cooperative education agreement other than 29349
an agreement entered into pursuant to section 3313.842 of the 29350
Revised Code, credit to that educating district on an FTE basis 29351
both of the following: 29352

(a) An amount equal to the ~~formula amount~~ statewide average 29353
base cost per pupil. 29354

(b) Any amount applicable to the student pursuant to section 29355
3317.013 or 3317.014 of the Revised Code. 29356

(2) Deduct any amount credited pursuant to division (H)(1) of 29357
this section from amounts paid to the school district in which the 29358
student is entitled to attend school pursuant to section 3313.64 29359
or 3313.65 of the Revised Code. 29360

(3) If the district is required by a shared education 29361
contract, compact, or cooperative education agreement to make 29362
payments to an educational service center, deduct the amounts from 29363
payments to the district and add them to the amounts paid to the 29364
service center. 29365

(I)(1) If a district, including a joint vocational school 29366
district, is a lead district of a CTPD, credit to that district 29367
the amount calculated for each school district within that CTPD 29368

~~under division (A)(9)~~ divisions (D) and (E) of section 3317.022 29369
3317.014 of the Revised Code ~~or division (A)(6) of section 3317.16~~ 29370
~~of the Revised Code, as applicable~~ and for each community school 29371
and STEM school assigned to the CTPD under divisions (B) and (C) 29372
of section 3314.089 and division (B) and (C) of section 3326.39 of 29373
the Revised Code. 29374

(2) Deduct from each appropriate district that is not a lead 29375
district, or from the appropriate community school or STEM school, 29376
the amount attributable to that district or school that is 29377
credited to a lead district under division (I)(1) of this section. 29378

(J) If the department pays a joint vocational school district 29379
under division (C)(3) of section 3317.16 of the Revised Code for 29380
excess costs of providing special education and related services 29381
to a student with a disability, as calculated under division 29382
(C)(1) of that section, the department shall deduct the amount of 29383
that payment from the city, local, or exempted village school 29384
district that is responsible as specified in that section for the 29385
excess costs. 29386

(K)(1) If the district reports an amount of excess cost for 29387
special education services for a child under division (C) of 29388
section 3323.14 of the Revised Code, the department shall pay that 29389
amount to the district. 29390

(2) If the district reports an amount of excess cost for 29391
special education services for a child under division (C) of 29392
section 3323.14 of the Revised Code, the department shall deduct 29393
that amount from the district of residence of that child. 29394

Sec. 3317.024. The following shall be distributed monthly, 29395
quarterly, or annually as may be determined by the state board of 29396
education: 29397

(A) An amount for each island school district and each joint 29398

state school district for the operation of each high school and 29399
each elementary school maintained within such district and for 29400
capital improvements for such schools. Such amounts shall be 29401
determined on the basis of standards adopted by the state board of 29402
education. However, for fiscal years 2012 and 2013, an island 29403
district shall receive the lesser of its actual cost of operation, 29404
as certified to the department of education, or ninety-three per 29405
cent of the amount the district received in state operating 29406
funding for fiscal year 2011. If an island district received no 29407
funding for fiscal year 2011, it shall receive no funding for 29408
either of fiscal year 2012 or 2013. 29409

(B) An amount for each school district required to pay 29410
tuition for a child in an institution maintained by the department 29411
of youth services pursuant to section 3317.082 of the Revised 29412
Code, provided the child was not included in the calculation of 29413
the district's formula ADM, as that term is defined in section 29414
3317.02 of the Revised Code, for the preceding school year. 29415

(C) An amount for the approved cost of transporting eligible 29416
pupils with disabilities attending a special education program 29417
approved by the department of education whom it is impossible or 29418
impractical to transport by regular school bus in the course of 29419
regular route transportation provided by the school district or 29420
educational service center. In the case of a school district, this 29421
amount shall be equal to the actual costs incurred by the district 29422
when transporting those students, as reported to the department, 29423
times the percentage determined for the district for that fiscal 29424
year under divisions (E)(3)(a) to (f) of section 3317.0212 of the 29425
Revised Code. No district or service center is eligible to receive 29426
a payment under this division for the cost of transporting any 29427
pupil whom it transports by regular school bus and who is included 29428
in the district's transportation ADM. The state board of education 29429
shall establish standards and guidelines for use by the department 29430

of education in determining the approved cost of such 29431
transportation for each ~~district or~~ service center. The state 29432
board shall also establish the deadline for each district to 29433
report its actual costs for transporting these students. Costs 29434
reported by each district under this division shall be subject to 29435
periodic, random audits by the department. 29436

(D) An amount to each school district, including each 29437
cooperative education school district, pursuant to section 3313.81 29438
of the Revised Code to assist in providing free lunches to needy 29439
children. The amounts shall be determined on the basis of rules 29440
adopted by the state board of education. 29441

(E)(1) An amount for auxiliary services to each school 29442
district, for each pupil attending a chartered nonpublic 29443
elementary or high school within the district that ~~is either of~~ 29444
~~the following:~~ 29445

~~(a) A school affiliated with a religious order, sect, church,~~ 29446
~~or denomination or has a curriculum or mission that contains~~ 29447
~~religious content, religious courses, devotional exercises,~~ 29448
~~religious training, or any other religious activity;~~ 29449

~~(b) A school not described in division (E)(1)(a) of this~~ 29450
~~section that~~ has not elected to receive funds under division 29451
(E)(2) of this section. 29452

(2) An amount for auxiliary services paid directly to each 29453
chartered nonpublic school that has elected to receive funds under 29454
division (E)(2) of this section for each pupil attending the 29455
school. To elect to receive funds under division (E)(2) of this 29456
section, a school, by the first day of April of each odd-numbered 29457
year, shall notify the department and the school district in which 29458
the school is located of the election and shall submit to the 29459
department an affidavit certifying that the school ~~is not~~ 29460
~~affiliated with a religious order, sect, church, or denomination~~ 29461

~~and does not have a curriculum or mission that contains religious~~ 29462
~~content, religious courses, devotional exercises, religious~~ 29463
~~training, or any other religious activity shall expend the funds~~ 29464
~~in the manner outlined in section 3317.062 of the Revised Code.~~ 29465
The election shall take effect the following first day of July, 29466
~~unless the department determines that the school meets the~~ 29467
~~criteria in division (E)(1)(a) of this section.~~ The school 29468
subsequently may rescind its election, but it may do so only in an 29469
odd-numbered year by notifying the department and the school 29470
district in which the school is located of the rescission not 29471
later than the first day of April of that year. Beginning the 29472
following first day of July after the rescission, the school shall 29473
receive funds under division (E)(1) of this section. 29474

The amount paid under divisions (E)(1) and (2) of this 29475
section shall equal the total amount appropriated for the 29476
implementation of sections 3317.06 and 3317.062 of the Revised 29477
Code divided by the average daily membership in grades 29478
kindergarten through twelve in chartered nonpublic elementary and 29479
high schools within the state as determined as of the last day of 29480
October of each school year. 29481

(F) An amount for each county board of developmental 29482
disabilities, distributed on the basis of standards adopted by the 29483
state board of education, for the approved cost of transportation 29484
required for children attending special education programs 29485
operated by the county board under section 3323.09 of the Revised 29486
Code; 29487

(G) An amount to each institution defined under section 29488
3317.082 of the Revised Code providing elementary or secondary 29489
education to children other than children receiving special 29490
education under section 3323.091 of the Revised Code. This amount 29491
for any institution in any fiscal year shall equal the total of 29492
all tuition amounts required to be paid to the institution under 29493

division (A)(1) of section 3317.082 of the Revised Code. 29494

The state board of education or any other board of education 29495
or governing board may provide for any resident of a district or 29496
educational service center territory any educational service for 29497
which funds are made available to the board by the United States 29498
under the authority of public law, whether such funds come 29499
directly or indirectly from the United States or any agency or 29500
department thereof or through the state or any agency, department, 29501
or political subdivision thereof. 29502

Sec. 3317.028. (A) On or before May 15, 2007, and the 29503
fifteenth day of May in each calendar year thereafter, the tax 29504
commissioner shall determine for each school district whether the 29505
taxable value of all utility tangible personal property subject to 29506
taxation by the district in the preceding tax year was less than 29507
the taxable value of such property during the second preceding tax 29508
year. If any decrease exceeds ten per cent of the district's 29509
tangible personal property taxable value included in the total 29510
taxable value used in the district's state aid computation for the 29511
fiscal year that ends in the current calendar year, the tax 29512
commissioner shall certify all of the following to the department 29513
of education and the office of budget and management: 29514

(1) The district's total taxable value for the preceding tax 29515
year; 29516

(2) The change in taxes charged and payable on the district's 29517
total taxable value for the preceding tax year and the second 29518
preceding tax year; 29519

(3) The taxable value of the utility tangible personal 29520
property decrease, which shall be considered a change in 29521
valuation; 29522

(4) The change in taxes charged and payable on such change in 29523

taxable value calculated in the same manner as in division (A)(3) 29524
of section 3317.021 of the Revised Code. 29525

(B) Upon receipt of a certification specified in this 29526
section, the department of education shall replace the three-year 29527
average valuations that were used in computing the district's 29528
state education aid for the fiscal year that ends in the current 29529
calendar year with the taxable value certified under division 29530
(A)(1) of this section and shall recompute the state education aid 29531
for such fiscal year ~~without applying any funding limitations~~ 29532
~~enacted by the general assembly to the computation.~~ The department 29533
shall pay to the district an amount equal to the lesser of the 29534
following: 29535

(1) The positive difference between the district's state 29536
education aid prior to the recomputation under this section and 29537
the district's recomputed state education aid; 29538

(2) The absolute value of the amount certified under division 29539
(A)(2) of this section. 29540

The payment date shall be determined by the director of 29541
budget and management. The director shall select a payment date 29542
that is not earlier than the first day of June of the current 29543
fiscal year and not later than the thirty-first day of July of the 29544
following fiscal year. The department of education shall not pay 29545
the district under this section prior to approval by the director 29546
of budget and management to make that payment. 29547

(C) If a school district received a grant from the 29548
catastrophic expenditures account pursuant to division (C) of 29549
section 3316.20 of the Revised Code on the basis of the same 29550
circumstances for which a recomputation is made under this 29551
section, the amount of the recomputation shall be reduced and 29552
transferred in accordance with division (C) of section 3316.20 of 29553
the Revised Code. 29554

Sec. 3317.0212. (A) As used in this section:	29555
(1) <u>"Assigned bus" means a school bus used to transport</u>	29556
<u>qualifying riders.</u>	29557
(2) <u>"Density" means the total riders per square mile of a</u>	29558
<u>school district.</u>	29559
(3) <u>"Nontraditional ridership" means the average number of</u>	29560
<u>qualifying riders who are enrolled in a community school</u>	29561
<u>established under Chapter 3314. of the Revised Code, in a STEM</u>	29562
<u>school established under Chapter 3326. of the Revised Code, or in</u>	29563
<u>a nonpublic school and are provided school bus service by a school</u>	29564
<u>district during the first full week of October.</u>	29565
(4) <u>"Qualifying riders" means resident students enrolled in</u>	29566
<u>preschool and regular education in grades kindergarten to twelve</u>	29567
<u>who are provided school bus service by a school district and who</u>	29568
<u>live more than one mile from the school they attend, including</u>	29569
<u>students with dual enrollment in a joint vocational school</u>	29570
<u>district or a cooperative education school district, and students</u>	29571
<u>enrolled in a community school, STEM school, or nonpublic school.</u>	29572
(2) (5) <u>"Qualifying ridership" means the greater of the</u>	29573
<u>average number of qualifying riders counted in the morning or</u>	29574
<u>counted in the afternoon who are provided school bus service by a</u>	29575
<u>school district during the first full week of October.</u>	29576
(3) (6) <u>"Rider density" means the total ADM per square mile of</u>	29577
<u>a school district. following quotient:</u>	29578
<u>A school district's total number of qualifying riders/ the number</u>	29579
<u>of square miles in the district</u>	29580
(4) (7) <u>"Riders" means students enrolled in regular and</u>	29581
<u>special education in grades kindergarten through twelve who are</u>	29582
<u>provided school bus service by a school district, including</u>	29583
<u>students with dual enrollment in a joint vocational school</u>	29584

district or a cooperative education school district, and students 29585
enrolled in a community school, STEM school, or nonpublic school. 29586

(8) "School bus service" means a school district's 29587
transportation of qualifying riders in any of the following types 29588
of vehicles: 29589

(a) School buses owned or leased by the district; 29590

(b) School buses operated by a private contractor hired by 29591
the district; 29592

(c) School buses operated by another school district or 29593
entity with which the district has contracted, either as part of a 29594
consortium for the provision of transportation or otherwise. 29595

(B) Not later than the ~~fifteenth day of October~~ first day of 29596
November each year, each city, local, and exempted village school 29597
district shall report to the department of education its 29598
qualifying ridership and any other information requested by the 29599
department. Subsequent adjustments to the reported numbers shall 29600
be made only in accordance with rules adopted by the department. 29601

(C) The department shall calculate the statewide 29602
transportation cost per student as follows: 29603

(1) Determine each city, local, and exempted village school 29604
district's transportation cost per student by dividing the 29605
district's total costs for school bus service in the previous 29606
fiscal year by its qualifying ridership in the previous fiscal 29607
year. 29608

(2) After excluding districts that do not provide school bus 29609
service and the ten districts with the highest transportation 29610
costs per student and the ten districts with the lowest 29611
transportation costs per student, divide the aggregate cost for 29612
school bus service for the remaining districts in the previous 29613
fiscal year by the aggregate qualifying ridership of those 29614

districts in the previous fiscal year. 29615

(D) The department shall calculate the statewide 29616
transportation cost per mile as follows: 29617

(1) Determine each city, local, and exempted village school 29618
district's transportation cost per mile by dividing the district's 29619
total costs for school bus service in the previous fiscal year by 29620
its total number of miles driven for school bus service in the 29621
previous fiscal year. 29622

(2) After excluding districts that do not provide school bus 29623
service and the ten districts with the highest transportation 29624
costs per mile and the ten districts with the lowest 29625
transportation costs per mile, divide the aggregate cost for 29626
school bus service for the remaining districts in the previous 29627
fiscal year by the aggregate miles driven for school bus service 29628
in those districts in the previous fiscal year. 29629

(E) The department shall calculate each city, local, and 29630
exempted village school district's transportation base payment as 29631
follows: 29632

(1) ~~Multiply~~ Calculate the sum of the following: 29633

(a) The product of the statewide transportation cost per 29634
student by and the number of students counted in the district's 29635
qualifying ridership for the current fiscal year who are enrolled 29636
in the district; 29637

(b) 1.5 times the statewide transportation cost per student 29638
times the number of students counted in the district's qualifying 29639
ridership for the current fiscal year who are enrolled in 29640
community schools established under Chapter 3314. of the Revised 29641
Code or STEM schools established under Chapter 3326. of the 29642
Revised Code; 29643

(c) 2.0 times the statewide transportation cost per student 29644

times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools. 29645
29646
29647

(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year. 29648
29649
29650

(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the following: 29651
29652

(a) For fiscal year ~~2018~~ 2022, the greater of ~~thirty-seven and one-half~~ twenty-nine and one-sixth per cent or the district's state share ~~index percentage~~, as defined in section 3317.02 of the Revised Code; 29653
29654
29655
29656

(b) For fiscal year ~~2019~~ 2023, the greater of ~~twenty-five~~ thirty-three and one-third per cent or the district's state share ~~index percentage~~; 29657
29658
29659

(c) For fiscal year 2024, the greater of thirty-seven and one-half per cent or the district's state share percentage; 29660
29661

(d) For fiscal year 2025, the greater of forty-one and two-thirds per cent or the district's state share percentage; 29662
29663

(e) For fiscal year 2026, the greater of forty-five and five-sixths per cent or the district's state share percentage; 29664
29665

(f) For fiscal year 2027 and for each fiscal year thereafter, the greater of fifty per cent or the district's state share percentage. 29666
29667
29668

(F)(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's 29669
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density in comparison to the density of all other districts. The 29675
department shall post on the department's web site each district's 29676
target number of riders per assigned bus and a description of how 29677
the target number was determined. 29678

(2) The department shall determine each school district's 29679
efficiency index by dividing the district's number of riders per 29680
assigned bus by its target number of riders per assigned bus. 29681

(3) The department shall determine each city, local, and 29682
exempted village school district's efficiency adjustment payment 29683
as follows: 29684

(a) If the district's efficiency index is equal to or greater 29685
than 1.5, the efficiency adjustment payment shall be calculated 29686
according to the following formula: 29687

0.15 X the district's transportation base payment calculated under 29688
division (E) of this section 29689

(b) If the district's efficiency index is less than 1.5 but 29690
greater than or equal to 1.0, the efficiency adjustment payment 29691
shall be calculated according to the following formula: 29692

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 29693
district's transportation base payment calculated under division 29694
(E) of this section 29695

(c) If the district's efficiency index is less than 1.0, the 29696
efficiency adjustment payment shall be zero. 29697

(G) In addition to funds paid under ~~division (E)~~ divisions 29698
(E), (F), and (H) of this section, each city, local, and exempted 29699
village district shall receive in accordance with rules adopted by 29700
the state board of education a payment for students transported by 29701
means other than school bus service and whose transportation is 29702
not funded under division (C) of section 3317.024 of the Revised 29703
Code. The rules shall include provisions for school district 29704
reporting of such students. 29705

~~(G)(1)~~(H)(1) For purposes of division ~~(G)~~(H) of this section, 29706
a school district's "transportation supplement percentage" means 29707
the following quotient: 29708

(~~5028~~ - the district's rider density) / 100 29709

If the result of the calculation for a district under 29710
division ~~(G)(1)~~(H)(1) of this section is less than zero, the 29711
district's transportation supplement percentage shall be zero. 29712

(2) The department shall pay each district a transportation 29713
supplement calculated according to the following formula: 29714

The district's transportation supplement percentage X the amount 29715
calculated for the district under division (E)(2) of this section 29716
X 0.55 29717

Sec. 3317.0213. (A) The department of education shall compute 29718
and pay in accordance with this section additional state aid for 29719
preschool children with disabilities to each city, local, and 29720
exempted village school district and to each institution, as 29721
defined in section 3323.091 of the Revised Code. Funding shall be 29722
provided for children who are not enrolled in kindergarten and who 29723
are under age six on the thirtieth day of September of the 29724
academic year, or on the first day of August of the academic year 29725
if the school district in which the child is enrolled has adopted 29726
a resolution under division (A)(3) of section 3321.01 of the 29727
Revised Code, but not less than age three on the first day of 29728
December of the academic year. 29729

The additional state aid shall be calculated under the 29730
following formula: 29731

(\$4,000 X the number of students who are preschool children 29732
with disabilities) + the sum of the following: 29733

(1) The district's or institution's category one special 29734
education students who are preschool children with disabilities X 29735

the ~~amount~~ multiple specified in division (A) of section 3317.013 29736
of the Revised Code X the statewide average base cost per pupil 29737
for that fiscal year X the district's state share ~~index~~ percentage 29738
X 0.50; 29739

(2) The district's or institution's category two special 29740
education students who are preschool children with disabilities X 29741
the ~~amount~~ multiple specified in division (B) of section 3317.013 29742
of the Revised Code X the statewide average base cost per pupil 29743
for that fiscal year X the district's state share ~~index~~ percentage 29744
X 0.50; 29745

(3) The district's or institution's category three special 29746
education students who are preschool children with disabilities X 29747
the ~~amount~~ multiple specified in division (C) of section 3317.013 29748
of the Revised Code X the statewide average base cost per pupil 29749
for that fiscal year X the district's state share ~~index~~ percentage 29750
X 0.50; 29751

(4) The district's or institution's category four special 29752
education students who are preschool children with disabilities X 29753
the ~~amount~~ multiple specified in division (D) of section 3317.013 29754
of the Revised Code X the statewide average base cost per pupil 29755
for that fiscal year X the district's state share ~~index~~ percentage 29756
X 0.50; 29757

(5) The district's or institution's category five special 29758
education students who are preschool children with disabilities X 29759
the ~~amount~~ multiple specified in division (E) of section 3317.013 29760
of the Revised Code X the statewide average base cost per pupil 29761
for that fiscal year X the district's state share ~~index~~ percentage 29762
X 0.50; 29763

(6) The district's or institution's category six special 29764
education students who are preschool children with disabilities X 29765
the ~~amount~~ multiple specified in division (F) of section 3317.013 29766

of the Revised Code X the statewide average base cost per pupil 29767
for that fiscal year X the district's state share ~~index~~ percentage 29768
X 0.50. 29769

The special education disability categories for preschool 29770
children used in this section are the same categories prescribed 29771
in section 3317.013 of the Revised Code. 29772

As used in division (A) of this section, the state share 29773
~~index~~ percentage of a student enrolled in an institution is the 29774
state share ~~index~~ percentage of the school district in which the 29775
student is entitled to attend school under section 3313.64 or 29776
3313.65 of the Revised Code. 29777

(B) If an educational service center is providing services to 29778
students who are preschool children with disabilities under 29779
agreement with the city, local, or exempted village school 29780
district in which the students are entitled to attend school, that 29781
district may authorize the department to transfer funds computed 29782
under this section to the service center providing those services. 29783

(C) If a county DD board is providing services to students 29784
who are preschool children with disabilities under agreement with 29785
the city, local, or exempted village school district in which the 29786
students are entitled to attend school, the department shall 29787
deduct from the district's payment computed under division (A) of 29788
this section the total amount of those funds that are attributable 29789
to the students served by the county DD board and pay that amount 29790
to that board. 29791

Sec. 3317.0214. (A) The department shall compute and pay in 29792
accordance with this section additional state aid to school 29793
districts for students in categories two through six special 29794
education ADM. If a district's costs for the fiscal year for a 29795
student in its categories two through six special education ADM 29796
exceed the threshold catastrophic cost for serving the student, 29797

the district may submit to the superintendent of public 29798
instruction documentation, as prescribed by the superintendent, of 29799
all its costs for that student. Upon submission of documentation 29800
for a student of the type and in the manner prescribed, the 29801
department shall pay to the district an amount equal to the sum of 29802
the following: 29803

(1) One-half of the district's costs for the student in 29804
excess of the threshold catastrophic cost; 29805

(2) The product of one-half of the district's costs for the 29806
student in excess of the threshold catastrophic cost multiplied by 29807
the district's state share ~~index~~ percentage. 29808

(B) For purposes of division (A) of this section, the 29809
threshold catastrophic cost for serving a student equals: 29810

(1) For a student in the school district's category two, 29811
three, four, or five special education ADM, twenty-seven thousand 29812
three hundred seventy-five dollars; 29813

(2) For a student in the district's category six special 29814
education ADM, thirty-two thousand eight hundred fifty dollars. 29815

(C) The district shall report under division (A) of this 29816
section, and the department shall pay for, only the costs of 29817
educational expenses and the related services provided to the 29818
student in accordance with the student's individualized education 29819
program. Any legal fees, court costs, or other costs associated 29820
with any cause of action relating to the student may not be 29821
included in the amount. 29822

Sec. 3317.0215. (A) The department of education shall 29823
withhold from the aggregate amount paid for a fiscal year to each 29824
city, local, exempted village, and joint vocational school 29825
district, community school established under Chapter 3314. of the 29826
Revised Code, and science, technology, engineering, and 29827

mathematics school established under Chapter 3326. of the Revised 29828
Code an amount equal to the following: 29829

(1) In the case of a city, local, exempted village, or joint 29830
vocational school district, an amount calculated as follows: 29831

0.10 X [(the district's category one special education ADM X the 29832
multiple specified in division (A) of section 3317.013 of the 29833
Revised Code X the statewide average base cost per pupil for that 29834
fiscal year X the district's state share percentage) + (the 29835
district's category two special education ADM X the multiple 29836
specified in division (B) of section 3317.013 of the Revised Code 29837
X the statewide average base cost per pupil for that fiscal year X 29838
the district's state share percentage) + (the district's category 29839
three special education ADM X the multiple specified in division 29840
(C) of section 3317.013 of the Revised Code X the statewide 29841
average base cost per pupil for that fiscal year X the district's 29842
state share percentage) + (the district's category four special 29843
education ADM X the multiple specified in division (D) of section 29844
3317.013 of the Revised Code X the statewide average base cost per 29845
pupil for that fiscal year X the district's state share 29846
percentage) + (the district's category five special education ADM 29847
X the multiple specified in division (E) of section 3317.013 of 29848
the Revised Code X the statewide average base cost per pupil for 29849
that fiscal year X the district's state share percentage) + (the 29850
district's category six special education ADM X the multiple 29851
specified in division (F) of section 3317.013 of the Revised Code 29852
X the statewide average base cost per pupil for that fiscal year X 29853
the district's state share percentage)] 29854

(2) In the case of a community school, the aggregate amount 29855
of special education funding paid to the school under section 29856
3314.08 of the Revised Code times 0.10. 29857

(3) In the case of a science, technology, engineering, or 29858

mathematics school, the aggregate amount of special education 29859
funding paid to the school under section 3326.33 of the Revised 29860
Code times 0.10. 29861

(B) The department shall use the amount of funds withheld 29862
under division (A) of this section for purposes of division (C)(3) 29863
of section 3314.08 of the Revised Code, section 3317.0214 of the 29864
Revised Code, division (B) of section 3317.16 of the Revised Code, 29865
and section 3326.34 of the Revised Code. 29866

Sec. 3317.0217. Payment of the amount calculated for a school 29867
district under this section shall be made under division (A) of 29868
section 3317.022 of the Revised Code. 29869

(A) For each fiscal year, the department of education shall 29870
compute targeted assistance funds for city, local, and exempted 29871
village school districts, in accordance with the following 29872
formula: 29873

A district's capacity amount for that fiscal year calculated under 29874
division (B) of this section + a district's wealth amount for that 29875
fiscal year calculated under division (C) of this section 29876

(B) The department shall calculate each district's capacity 29877
amount for a fiscal year as follows: 29878

(1) Calculate each district's weighted wealth for that fiscal 29879
year, which equals the following sum: 29880

(The amount determined for the district for that fiscal year under 29881
division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 29882
+ (the amount determined for the district for that fiscal year 29883
under division (A)(2)(a) of section 3317.017 of the Revised Code X 29884
0.4) 29885

(2) Determine the median weighted wealth of all school 29886
districts in this state for that fiscal year; 29887

(3) Compute each district's capacity index for that fiscal 29888

year by dividing the median weighted wealth of all school 29889
districts in this state for that fiscal year by the district's 29890
weighted wealth for that fiscal year; 29891

(4) Compute each district's capacity amount for that fiscal 29892
year as follows: 29893

(a) The district's capacity amount shall be zero if the 29894
district satisfies either of the following criteria for that 29895
fiscal year: 29896

(i) The district's capacity index is less than 1. 29897

(ii) The district's enrolled ADM is less than 200. 29898

(b) If the district does not satisfy either of the criteria 29899
specified in division (B)(4)(a) of this section for that fiscal 29900
year, the district's capacity amount for that fiscal year shall be 29901
calculated as follows: 29902

(i) Compute the following amount for the district: 29903
(The median weighted wealth of all school districts in this state 29904
for that fiscal year X 0.008) - (the district's weighted wealth 29905
for that fiscal year X 0.008) 29906

(ii) If the district's enrolled ADM for that fiscal year is 29907
greater than or equal to 200 but less than or equal to 400, the 29908
district's capacity amount for that fiscal year shall be equal to 29909
0.05 X the amount computed under division (B)(4)(b)(i) of this 29910
section. 29911

(iii) If the district's enrolled ADM for that fiscal year is 29912
greater than 400 and less than 600, the district's capacity amount 29913
for that fiscal year shall be calculated in accordance with the 29914
following formula: 29915

{[0.95 X (the district's enrolled ADM for that fiscal year - 29916
400)/200] + 0.05} X the amount computed under division 29917
(B)(4)(b)(i) of this section 29918

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under division (B)(4)(b)(i) of this section. 29919
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(C) The department shall calculate each district's wealth amount for a fiscal year as follows: 29923
29924

(1) Calculate each district's weighted wealth per pupil for that fiscal year, which equals the following quotient: 29925
29926

The district's weighted wealth for that fiscal year calculated under division (B)(1) of this section/ (the district's enrolled ADM for that fiscal year - the students described in division (A)(1)(b) of section 3317.03 of the Revised Code + the students described in division (A)(2)(d) of section 3317.03 of the Revised Code) 29927
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(2) Determine the median weighted wealth per pupil of all school districts in this state for that fiscal year; 29933
29934

(3) Compute each district's wealth index for that fiscal year by dividing the median weighted wealth per pupil of all school districts in this state for that fiscal year by the district's weighted wealth per pupil for that fiscal year; 29935
29936
29937
29938

(4) Compute each district's wealth amount for that fiscal year, as follows: 29939
29940

(a) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is less than 0.8, the district's wealth amount for that fiscal year shall be zero. 29941
29942
29943

(b) If the district's wealth index computed under division (C)(3) of this section for that fiscal year is greater than or equal to 0.8, the district's wealth amount for that fiscal year shall be calculated in accordance with the following formula: 29944
29945
29946
29947
[(The median weighted wealth per pupil of all school districts in 29948

this state for that fiscal year X 0.014) - (the district's 29949
weighted wealth per pupil for that fiscal year X 0.0112)] X the 29950
district's enrolled ADM for that fiscal year 29951

Sec. 3317.0218. For each fiscal year, the department of 29952
education shall compute and pay supplemental targeted assistance 29953
to each city, local, and exempted village school district as 29954
follows: 29955

(A) Determine if the district satisfies both of the following 29956
criteria: 29957

(1) The wealth index calculated for the district for fiscal 29958
year 2019 under division (A)(4) of former section 3317.0217 of the 29959
Revised Code as it existed prior to the effective date of this 29960
section is greater than 1.6; 29961

(2) The district's enrolled ADM for fiscal year 2019 is less 29962
than eighty-eight per cent of the district's total ADM for fiscal 29963
year 2019. 29964

(B) Determine the maximum of the wealth indices calculated 29965
under division (A)(4) of former section 3317.0217 of the Revised 29966
Code as it existed prior to the effective date of this section for 29967
all districts that satisfy both of the criteria specified under 29968
division (A) of this section; 29969

(C) If the district satisfies both of the criteria specified 29970
under division (A) of this section, compute the district's 29971
supplemental amount as the product of the following: 29972

(1) $\{[(\text{The number specified under division (A)(1) of this}$ 29973
section - 1.6)/ (the number determined under division (B) of this 29974
section - 1.6)] X 675\} + 75; 29975

(2) The district's enrolled ADM. 29976

(D) If the district does not satisfy both of the criteria 29977
specified under division (A) of this section, the district's 29978

supplemental amount shall be equal to zero. 29979

Sec. 3317.03. (A) The superintendent of each city, local, and 29980
exempted village school district shall report to the state board 29981
of education as of the last day of October, March, and June of 29982
each year the enrollment of students receiving services from 29983
schools under the superintendent's supervision, and the numbers of 29984
other students entitled to attend school in the district under 29985
section 3313.64 or 3313.65 of the Revised Code the superintendent 29986
is required to report under this section, so that the department 29987
of education can calculate the district's formula ADM, total ADM, 29988
category one through five career-technical education ADM, category 29989
one through three English learner ADM, category one through six 29990
special education ADM, preschool scholarship ADM, transportation 29991
ADM, and, for purposes of provisions of law outside of Chapter 29992
3317. of the Revised Code, average daily membership. 29993

(1) The enrollment reported by the superintendent during the 29994
reporting period shall consist of the number of students in grades 29995
kindergarten through twelve receiving any educational services 29996
from the district, except that the following categories of 29997
students shall not be included in the determination: 29998

(a) Students enrolled in adult education classes; 29999

(b) Adjacent or other district students enrolled in the 30000
district under an open enrollment policy pursuant to section 30001
3313.98 of the Revised Code; 30002

(c) Students receiving services in the district pursuant to a 30003
compact, cooperative education agreement, or a contract, but who 30004
are entitled to attend school in another district pursuant to 30005
section 3313.64 or 3313.65 of the Revised Code; 30006

(d) Students for whom tuition is payable pursuant to sections 30007
3317.081 and 3323.141 of the Revised Code; 30008

(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.

When reporting students under division (A)(1) of this section, the superintendent also shall report the district where each student is entitled to attend school pursuant to sections 3313.64 and 3313.65 of the Revised Code.

(2) The department of education shall compile a list of all students reported to be enrolled in a district under division (A)(1) of this section and of the students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code on an FTE basis but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code ~~as described in division (I)(2)(a) or (b) of this section;~~

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education

district;	30040
(f) Another school district under a cooperative education agreement, compact, or contract;	30041 30042
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code, if the students qualified for the scholarship under section 3310.03 of the Revised Code;	30043 30044 30045 30046
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	30047 30048 30049
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	30050 30051 30052
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	30053 30054 30055 30056
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	30057 30058 30059 30060
(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a career-technical education compact.	30061 30062 30063 30064 30065 30066 30067 30068 30069

The department shall provide each city, local, and exempted village school district with an opportunity to review the list of students compiled under divisions (A)(2) and (3) of this section to ensure that the students reported accurately reflect the enrollment of students in the district.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, each superintendent shall certify from the reports provided by the department under division (A) of this section all of the following:

(1) The total student enrollment in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

(2) The unduplicated count of the number of preschool children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code;

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a

college-preparatory boarding school established under Chapter	30101
3328. of the Revised Code;	30102
(c) Enrolled in an adjacent or other school district under	30103
section 3313.98 of the Revised Code;	30104
(d) Enrolled in a community school established under Chapter	30105
3314. of the Revised Code that is not an internet- or	30106
computer-based community school as defined in section 3314.02 of	30107
the Revised Code, including any participation in a college	30108
pursuant to Chapter 3365. of the Revised Code while enrolled in	30109
such community school;	30110
(e) Enrolled in an internet- or computer-based community	30111
school, as defined in section 3314.02 of the Revised Code,	30112
including any participation in a college pursuant to Chapter 3365.	30113
of the Revised Code while enrolled in the school;	30114
(f) Enrolled in a chartered nonpublic school with a	30115
scholarship paid under section 3310.08 of the Revised Code and who	30116
qualified for the scholarship under section 3310.03 of the Revised	30117
Code;	30118
(g) Enrolled in kindergarten through grade twelve in an	30119
alternative public provider or a registered private provider with	30120
a scholarship awarded under section 3310.41 of the Revised Code;	30121
(h) Enrolled as a preschool child with a disability in an	30122
alternative public provider or a registered private provider with	30123
a scholarship awarded under section 3310.41 of the Revised Code;	30124
(i) Participating in a program operated by a county board of	30125
developmental disabilities or a state institution;	30126
(j) Enrolled in a science, technology, engineering, and	30127
mathematics school established under Chapter 3326. of the Revised	30128
Code, including any participation in a college pursuant to Chapter	30129
3365. of the Revised Code while enrolled in the school;	30130

(k) Enrolled in a college-preparatory boarding school 30131
established under Chapter 3328. of the Revised Code, including any 30132
participation in a college pursuant to Chapter 3365. of the 30133
Revised Code while enrolled in the school; 30134

(1) Enrolled in an alternative public provider or a 30135
registered private provider with a scholarship awarded under 30136
sections 3310.51 to 3310.64 of the Revised Code. 30137

(4) The total enrollment of pupils in joint vocational 30138
schools; 30139

(5) The combined enrollment of children with disabilities 30140
reported under division (A)(1) or (2) of this section, including 30141
any student described in division (A)(1)(b) of this section and 30142
excluding any student reported under divisions (A)(2)(a), (b), 30143
(d), (g), (h), (i), and (j) of this section, receiving special 30144
education services for the category one disability described in 30145
division (A) of section 3317.013 of the Revised Code, including 30146
children attending a special education program operated by an 30147
alternative public provider or a registered private provider with 30148
a scholarship awarded under sections 3310.51 to 3310.64 of the 30149
Revised Code; 30150

(6) The combined enrollment of children with disabilities 30151
reported under division (A)(1) or (2) of this section, including 30152
any student described in division (A)(1)(b) of this section and 30153
excluding any student reported under divisions (A)(2)(a), (b), 30154
(d), (g), (h), (i), and (j) of this section, receiving special 30155
education services for category two disabilities described in 30156
division (B) of section 3317.013 of the Revised Code, including 30157
children attending a special education program operated by an 30158
alternative public provider or a registered private provider with 30159
a scholarship awarded under sections 3310.51 to 3310.64 of the 30160
Revised Code; 30161

(7) The combined enrollment of children with disabilities 30162
reported under division (A)(1) or (2) of this section, including 30163
any student described in division (A)(1)(b) of this section and 30164
excluding any student reported under divisions (A)(2)(a), (b), 30165
(d), (g), (h), (i), and (j) of this section, receiving special 30166
education services for category three disabilities described in 30167
division (C) of section 3317.013 of the Revised Code, including 30168
children attending a special education program operated by an 30169
alternative public provider or a registered private provider with 30170
a scholarship awarded under sections 3310.51 to 3310.64 of the 30171
Revised Code; 30172

(8) The combined enrollment of children with disabilities 30173
reported under division (A)(1) or (2) of this section, including 30174
any student described in division (A)(1)(b) of this section and 30175
excluding any student reported under divisions (A)(2)(a), (b), 30176
(d), (g), (h), (i), and (j) of this section, receiving special 30177
education services for category four disabilities described in 30178
division (D) of section 3317.013 of the Revised Code, including 30179
children attending a special education program operated by an 30180
alternative public provider or a registered private provider with 30181
a scholarship awarded under sections 3310.51 to 3310.64 of the 30182
Revised Code; 30183

(9) The combined enrollment of children with disabilities 30184
reported under division (A)(1) or (2) of this section, including 30185
any student described in division (A)(1)(b) of this section and 30186
excluding any student reported under divisions (A)(2)(a), (b), 30187
(d), (g), (h), (i), and (j) of this section, receiving special 30188
education services for the category five disabilities described in 30189
division (E) of section 3317.013 of the Revised Code, including 30190
children attending a special education program operated by an 30191
alternative public provider or a registered private provider with 30192
a scholarship awarded under sections 3310.51 to 3310.64 of the 30193

Revised Code; 30194

(10) The combined enrollment of children with disabilities 30195
reported under division (A)(1) or (2) and under division (B)(3)(h) 30196
of this section, including any student described in division 30197
(A)(1)(b) of this section and excluding any student reported under 30198
divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this 30199
section, receiving special education services for category six 30200
disabilities described in division (F) of section 3317.013 of the 30201
Revised Code, including children attending a special education 30202
program operated by an alternative public provider or a registered 30203
private provider with a scholarship awarded under either section 30204
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 30205

(11) The enrollment of pupils reported under division (A)(1) 30206
or (2) of this section on a full-time equivalency basis, including 30207
any student described in division (A)(1)(b) of this section and 30208
excluding any student reported under divisions (A)(2)(a), (b), 30209
(d), (g), (h), (i), and (j) of this section, in category one 30210
career-technical education programs or classes, described in 30211
division (A)(1) of section 3317.014 of the Revised Code, operated 30212
by the school district or by another district that is a member of 30213
the district's career-technical planning district, other than a 30214
joint vocational school district, or by an educational service 30215
center, notwithstanding division ~~(G)~~(I) of section 3317.02 of the 30216
Revised Code and division (C)(3) of this section; 30217

(12) The enrollment of pupils reported under division (A)(1) 30218
or (2) of this section on a full-time equivalency basis, including 30219
any student described in division (A)(1)(b) of this section and 30220
excluding any student reported under divisions (A)(2)(a), (b), 30221
(d), (g), (h), (i), and (j) of this section, in category two 30222
career-technical education programs or services, described in 30223
division ~~(B)~~(A)(2) of section 3317.014 of the Revised Code, 30224
operated by the school district or another school district that is 30225

a member of the district's career-technical planning district, 30226
other than a joint vocational school district, or by an 30227
educational service center, notwithstanding division ~~(G)~~(I) of 30228
section 3317.02 of the Revised Code and division (C)(3) of this 30229
section; 30230

(13) The enrollment of pupils reported under division (A)(1) 30231
or (2) of this section on a full-time equivalency basis, including 30232
any student described in division (A)(1)(b) of this section and 30233
excluding any student reported under divisions (A)(2)(a), (b), 30234
(d), (g), (h), (i), and (j) of this section, in category three 30235
career-technical education programs or services, described in 30236
division ~~(C)~~(A)(3) of section 3317.014 of the Revised Code, 30237
operated by the school district or another school district that is 30238
a member of the district's career-technical planning district, 30239
other than a joint vocational school district, or by an 30240
educational service center, notwithstanding division ~~(G)~~(I) of 30241
section 3317.02 of the Revised Code and division (C)(3) of this 30242
section; 30243

(14) The enrollment of pupils reported under division (A)(1) 30244
or (2) of this section on a full-time equivalency basis, including 30245
any student described in division (A)(1)(b) of this section and 30246
excluding any student reported under divisions (A)(2)(a), (b), 30247
(d), (g), (h), (i), and (j) of this section, in category four 30248
career-technical education programs or services, described in 30249
division ~~(D)~~(A)(4) of section 3317.014 of the Revised Code, 30250
operated by the school district or another school district that is 30251
a member of the district's career-technical planning district, 30252
other than a joint vocational school district, or by an 30253
educational service center, notwithstanding division ~~(G)~~(I) of 30254
section 3317.02 of the Revised Code and division (C)(3) of this 30255
section; 30256

(15) The enrollment of pupils reported under division (A)(1) 30257

or (2) of this section on a full-time equivalency basis, including 30258
any student described in division (A)(1)(b) of this section and 30259
excluding any student reported under divisions (A)(2)(a), (b), 30260
(d), (g), (h), (i), and (j) of this section, in category five 30261
career-technical education programs or services, described in 30262
division ~~(E)~~(A)(5) of section 3317.014 of the Revised Code, 30263
operated by the school district or another school district that is 30264
a member of the district's career-technical planning district, 30265
other than a joint vocational school district, or by an 30266
educational service center, notwithstanding division ~~(G)~~(I) of 30267
section 3317.02 of the Revised Code and division (C)(3) of this 30268
section; 30269

(16) The enrollment of pupils reported under division (A)(1) 30270
or (2) of this section who are English learners described in 30271
division (A) of section 3317.016 of the Revised Code, including 30272
any student described in division (A)(1)(b) of this section and 30273
excluding any student reported under ~~division (B)(3)(e)~~ divisions 30274
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section ~~as~~ 30275
~~enrolled in an internet or computer based community school;~~ 30276

(17) The enrollment of pupils reported under division (A)(1) 30277
or (2) of this section who are English learners described in 30278
division (B) of section 3317.016 of the Revised Code, including 30279
any student described in division (A)(1)(b) of this section and 30280
excluding any student reported under ~~division (B)(3)(e)~~ divisions 30281
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section ~~as~~ 30282
~~enrolled in an internet or computer based community school;~~ 30283

(18) The enrollment of pupils reported under division (A)(1) 30284
or (2) of this section who are English learners described in 30285
division (C) of section 3317.016 of the Revised Code, including 30286
any student described in division (A)(1)(b) of this section and 30287
excluding any student reported under ~~division (B)(3)(e)~~ divisions 30288
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section ~~as~~ 30289

enrolled in an internet or computer based community school;	30290
(19) The average number of children transported during the reporting period by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	30291 30292 30293 30294
(20)(a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B)(20)(a) of this section does not apply after fiscal year 2013.	30295 30296 30297 30298
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	30299 30300 30301 30302 30303
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code;	30304 30305 30306 30307 30308
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	30309 30310 30311 30312 30313
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	30314 30315 30316 30317 30318
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board	30319 30320

of developmental disabilities in the current fiscal year to 30321
receive special education services for the category five 30322
disabilities described in division (E) of section 3317.013 of the 30323
Revised Code; 30324

(g) The number of children with disabilities, other than 30325
preschool children with disabilities, placed with a county board 30326
of developmental disabilities in the current fiscal year to 30327
receive special education services for category six disabilities 30328
described in division (F) of section 3317.013 of the Revised Code. 30329

(21) The enrollment of students who are economically 30330
disadvantaged, as defined by the department, including any student 30331
described in divisions (A)(1)(b) of this section and excluding any 30332
student reported under ~~division (B)(3)(e)~~ divisions (A)(2)(a), 30333
(b), (d), (g), (h), (i), and (j) of this section ~~as enrolled in an~~ 30334
~~internet or computer based community school~~. A student shall not 30335
be categorically excluded from the number reported under division 30336
(B)(21) of this section based on anything other than family 30337
income. 30338

(22) The enrollment of students identified as gifted under 30339
division (A), (B), (C), or (D) of section 3324.03 of the Revised 30340
Code. 30341

(C)(1) The state board of education shall adopt rules 30342
necessary for implementing divisions (A), (B), and (D) of this 30343
section. 30344

(2) A student enrolled in a community school established 30345
under Chapter 3314., a science, technology, engineering, and 30346
mathematics school established under Chapter 3326., or a 30347
college-preparatory boarding school established under Chapter 30348
3328. of the Revised Code shall be counted in the formula ADM ~~and,~~ 30349
~~if applicable, the category one, two, three, four, five, or six~~ 30350
~~special education ADM~~ of the school district in which the student 30351

is entitled to attend school under section 3313.64 or 3313.65 of 30352
the Revised Code for the same proportion of the school year that 30353
the student is counted in the enrollment of the community school, 30354
the science, technology, engineering, and mathematics school, or 30355
the college-preparatory boarding school for purposes of section 30356
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 30357
the enrollment of students certified pursuant to division 30358
(B)(3)(d), (e), (j), or (k) of this section, the department may 30359
adjust the formula ADM of a school district to account for 30360
students entitled to attend school in the district under section 30361
3313.64 or 3313.65 of the Revised Code who are enrolled in a 30362
community school, a science, technology, engineering, and 30363
mathematics school, or a college-preparatory boarding school for 30364
only a portion of the school year. 30365

(3) No child shall be counted as more than a total of one 30366
child in the sum of the enrollment of students of a school 30367
district under division (A), divisions (B)(1) to (22), or division 30368
(D) of this section, except as follows: 30369

(a)(i) A child with a disability described in section 30370
3317.013 of the Revised Code may be counted both in formula ADM 30371
and in category one, two, three, four, five, or six special 30372
education ADM and, if applicable, in category one, two, three, 30373
four, or five career-technical education ADM. As provided in 30374
division ~~(G)~~ (I) of section 3317.02 of the Revised Code, such a 30375
child shall be counted in category one, two, three, four, five, or 30376
six special education ADM in the same proportion that the child is 30377
counted in formula ADM. 30378

(ii) A child with a disability described in section 3317.03 30379
of the Revised Code may be counted both in enrolled ADM and in 30380
category one, two, three, four, five, or six special education ADM 30381
and, if applicable, in category one, two, three, four, or five 30382
career-technical education ADM. As provided in division (I) of 30383

section 3317.02 of the Revised Code, such a child shall be counted 30384
in category one, two, three, four, five, or six special education 30385
ADM in the same proportion that the child is counted in enrolled 30386
ADM. 30387

(b)(i) A child enrolled in career-technical education 30388
programs or classes described in section 3317.014 of the Revised 30389
Code may be counted both in formula ADM and category one, two, 30390
three, four, or five career-technical education ADM and, if 30391
applicable, in category one, two, three, four, five, or six 30392
special education ADM. Such a child shall be counted in category 30393
one, two, three, four, or five career-technical education ADM in 30394
the same proportion as the percentage of time that the child 30395
spends in the career-technical education programs or classes. 30396

(ii) A child enrolled in career-technical education programs 30397
or classes described in section 3317.014 of the Revised Code may 30398
be counted both in enrolled ADM and category one, two, three, 30399
four, or five career-technical education ADM and, if applicable, 30400
in category one, two, three, four, five, or six special education 30401
ADM. Such a child shall be counted in category one, two, three, 30402
four, or five career-technical education ADM in the same 30403
proportion as the percentage of time that the child spends in the 30404
career-technical education programs or classes. 30405

(4) Based on the information reported under this section, the 30406
department of education shall determine the total student count, 30407
as defined in section 3301.011 of the Revised Code, for each 30408
school district. 30409

(D)(1) The superintendent of each joint vocational school 30410
district shall report and certify to the superintendent of public 30411
instruction as of the last day of October, March, and June of each 30412
year the enrollment of students receiving services from schools 30413
under the superintendent's supervision so that the department can 30414
calculate the district's enrolled ADM, formula ADM, total ADM, 30415

category one through five career-technical education ADM, category 30416
one through three English learner ADM, category one through six 30417
special education ADM, and for purposes of provisions of law 30418
outside of Chapter 3317. of the Revised Code, average daily 30419
membership. 30420

The enrollment reported and certified by the superintendent, 30421
except as otherwise provided in this division, shall consist of 30422
the number of students in grades six through twelve receiving any 30423
educational services from the district, except that the following 30424
categories of students shall not be included in the determination: 30425

(a) Students enrolled in adult education classes; 30426

(b) Adjacent or other district joint vocational students 30427
enrolled in the district under an open enrollment policy pursuant 30428
to section 3313.98 of the Revised Code; 30429

(c) Students receiving services in the district pursuant to a 30430
compact, cooperative education agreement, or a contract, but who 30431
are entitled to attend school in a city, local, or exempted 30432
village school district whose territory is not part of the 30433
territory of the joint vocational district; 30434

(d) Students for whom tuition is payable pursuant to sections 30435
3317.081 and 3323.141 of the Revised Code. 30436

(2) To enable the department of education to obtain the data 30437
needed to complete the calculation of payments pursuant to this 30438
chapter, each superintendent shall certify from the report 30439
provided under division (D)(1) of this section the enrollment for 30440
each of the following categories of students: 30441

(a) Students enrolled in each individual grade included in 30442
the joint vocational district schools, including any student 30443
described in division (D)(1)(b) of this section; 30444

(b) Children with disabilities receiving special education 30445

services for the category one disability described in division (A)	30446
of section 3317.013 of the Revised Code, <u>including any student</u>	30447
<u>described in division (D)(1)(b) of this section;</u>	30448
(c) Children with disabilities receiving special education	30449
services for the category two disabilities described in division	30450
(B) of section 3317.013 of the Revised Code, <u>including any student</u>	30451
<u>described in division (D)(1)(b) of this section;</u>	30452
(d) Children with disabilities receiving special education	30453
services for category three disabilities described in division (C)	30454
of section 3317.013 of the Revised Code, <u>including any student</u>	30455
<u>described in division (D)(1)(b) of this section;</u>	30456
(e) Children with disabilities receiving special education	30457
services for category four disabilities described in division (D)	30458
of section 3317.013 of the Revised Code, <u>including any student</u>	30459
<u>described in division (D)(1)(b) of this section;</u>	30460
(f) Children with disabilities receiving special education	30461
services for the category five disabilities described in division	30462
(E) of section 3317.013 of the Revised Code, <u>including any student</u>	30463
<u>described in division (D)(1)(b) of this section;</u>	30464
(g) Children with disabilities receiving special education	30465
services for category six disabilities described in division (F)	30466
of section 3317.013 of the Revised Code, <u>including any student</u>	30467
<u>described in division (D)(1)(b) of this section;</u>	30468
(h) Students receiving category one career-technical	30469
education services, described in division (A) <u>(1)</u> of section	30470
3317.014 of the Revised Code, <u>including any student described in</u>	30471
<u>division (D)(1)(b) of this section;</u>	30472
(i) Students receiving category two career-technical	30473
education services, described in division (B) <u>(A)(2)</u> of section	30474
3317.014 of the Revised Code, <u>including any student described in</u>	30475
<u>division (D)(1)(b) of this section;</u>	30476

(j) Students receiving category three career-technical education services, described in division ~~(C)~~ (A)(3) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(k) Students receiving category four career-technical education services, described in division ~~(D)~~ (A)(4) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(l) Students receiving category five career-technical education services, described in division ~~(E)~~ (A)(5) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(m) English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D)(1)(b) of this section;

(p) Students who are economically disadvantaged, as defined by the department, including any student described in division (D)(1)(b) of this section. A student shall not be categorically excluded from the number reported under division (D)(2)(p) of this section based on anything other than family income.

The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, 30508
joint vocational, and cooperative education school district there 30509
shall be maintained a record of school enrollment, which record 30510
shall accurately show, for each day the school is in session, the 30511
actual enrollment in regular day classes. For the purpose of 30512
determining the enrollment of students, the enrollment figure of 30513
any school shall not include any pupils except those pupils 30514
described by division (A) or (D) of this section. The record of 30515
enrollment for each school shall be maintained in such manner that 30516
no pupil shall be counted as enrolled prior to the actual date of 30517
entry in the school and also in such manner that where for any 30518
cause a pupil permanently withdraws from the school that pupil 30519
shall not be counted as enrolled from and after the date of such 30520
withdrawal. There shall not be included in the enrollment of any 30521
school any of the following: 30522

(1) Any pupil who has graduated from the twelfth grade of a 30523
public or nonpublic high school; 30524

(2) Any pupil who is not a resident of the state; 30525

(3) Any pupil who was enrolled in the schools of the district 30526
during the previous school year when assessments were administered 30527
under section 3301.0711 of the Revised Code but did not take one 30528
or more of the assessments required by that section and was not 30529
excused pursuant to division (C)(1) or (3) of that section; 30530

(4) Any pupil who has attained the age of twenty-two years, 30531
except for veterans of the armed services whose attendance was 30532
interrupted before completing the recognized twelve-year course of 30533
the public schools by reason of induction or enlistment in the 30534
armed forces and who apply for reenrollment in the public school 30535
system of their residence not later than four years after 30536
termination of war or their honorable discharge; 30537

(5) Any pupil who has a certificate of high school 30538

equivalence as defined in section 5107.40 of the Revised Code. 30539

If, however, any veteran described by division (E)(4) of this 30540
section elects to enroll in special courses organized for veterans 30541
for whom tuition is paid under the provisions of federal laws, or 30542
otherwise, that veteran shall not be included in the enrollment of 30543
students determined under this section. 30544

Notwithstanding division (E)(3) of this section, the 30545
enrollment of any school may include a pupil who did not take an 30546
assessment required by section 3301.0711 of the Revised Code if 30547
the superintendent of public instruction grants a waiver from the 30548
requirement to take the assessment to the specific pupil and a 30549
parent is not paying tuition for the pupil pursuant to section 30550
3313.6410 of the Revised Code. The superintendent may grant such a 30551
waiver only for good cause in accordance with rules adopted by the 30552
state board of education. 30553

The enrolled ADM, formula ADM, total ADM, category one 30554
through five career-technical education ADM, category one through 30555
three English learner ADM, category one through six special 30556
education ADM, preschool scholarship ADM, transportation ADM, and, 30557
for purposes of provisions of law outside of Chapter 3317. of the 30558
Revised Code, average daily membership of any school district 30559
shall be determined in accordance with rules adopted by the state 30560
board of education. 30561

(F)(1) If a student attending a community school under 30562
Chapter 3314., a science, technology, engineering, and mathematics 30563
school established under Chapter 3326., or a college-preparatory 30564
boarding school established under Chapter 3328. of the Revised 30565
Code is not included in the formula ADM calculated for the school 30566
district in which the student is entitled to attend school under 30567
section 3313.64 or 3313.65 of the Revised Code, the department of 30568
education shall adjust the formula ADM of that school district to 30569
include the student in accordance with division (C)(2) of this 30570

~~section, and shall recalculate the school district's payments 30571
under this chapter for the entire fiscal year on the basis of that 30572
adjusted formula ADM. 30573~~

(2) If a student awarded an educational choice scholarship is 30574
not included in the formula ADM of the school district ~~from in~~ 30575
which the ~~department deducts funds for the scholarship under~~ 30576
~~section 3310.08 of the Revised Code~~ student resides, the 30577
department shall adjust the formula ADM of that school district to 30578
include the student ~~to the extent necessary to account for the~~ 30579
~~deduction, and shall recalculate the school district's payments~~ 30580
~~under this chapter for the entire fiscal year on the basis of that~~ 30581
~~adjusted formula ADM. 30582~~

(3) If a student awarded a scholarship under the Jon Peterson 30583
special needs scholarship program is not included in the formula 30584
ADM of the school district ~~from in~~ which the ~~department deducts~~ 30585
~~funds for the scholarship under section 3310.55 of the Revised~~ 30586
~~Code~~ student resides, the department shall adjust the formula ADM 30587
of that school district to include the student ~~to the extent~~ 30588
~~necessary to account for the deduction, and shall recalculate the~~ 30589
~~school district's payments under this chapter for the entire~~ 30590
~~fiscal year on the basis of that adjusted formula ADM. 30591~~

(G)(1)(a) The superintendent of an institution operating a 30592
special education program pursuant to section 3323.091 of the 30593
Revised Code shall, for the programs under such superintendent's 30594
supervision, certify to the state board of education, in the 30595
manner prescribed by the superintendent of public instruction, 30596
both of the following: 30597

(i) The unduplicated count of the number of all children with 30598
disabilities other than preschool children with disabilities 30599
receiving services at the institution for each category of 30600
disability described in divisions (A) to (F) of section 3317.013 30601
of the Revised Code adjusted for the portion of the year each 30602

child is so enrolled; 30603

(ii) The unduplicated count of the number of all preschool 30604
children with disabilities in classes or programs for whom the 30605
district is eligible to receive funding under section 3317.0213 of 30606
the Revised Code adjusted for the portion of the year each child 30607
is so enrolled, reported according to the categories prescribed in 30608
section 3317.013 of the Revised Code. 30609

(b) The superintendent of an institution with 30610
career-technical education units approved under section 3317.05 of 30611
the Revised Code shall, for the units under the superintendent's 30612
supervision, certify to the state board of education the 30613
enrollment in those units, in the manner prescribed by the 30614
superintendent of public instruction. 30615

(2) The superintendent of each county board of developmental 30616
disabilities that maintains special education classes under 30617
section 3317.20 of the Revised Code or provides services to 30618
preschool children with disabilities pursuant to an agreement 30619
between the county board and the appropriate school district shall 30620
do both of the following: 30621

(a) Certify to the state board, in the manner prescribed by 30622
the board, the enrollment in classes under section 3317.20 of the 30623
Revised Code for each school district that has placed children in 30624
the classes; 30625

(b) Certify to the state board, in the manner prescribed by 30626
the board, the unduplicated count of the number of all preschool 30627
children with disabilities enrolled in classes for which the board 30628
is eligible to receive funding under section 3317.0213 of the 30629
Revised Code adjusted for the portion of the year each child is so 30630
enrolled, reported according to the categories prescribed in 30631
section 3317.013 of the Revised Code, and the number of those 30632
classes. 30633

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's enrollment shall not be included in that district's enrollment figure used in calculating the district's payments under this chapter. The reporting official shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

~~(I)(1)~~ This division shall not apply on or after the effective date of this amendment.

(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its enrollment.

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in its enrollment:

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend an alternative school.

(J) The superintendent of each cooperative education school

district shall certify to the superintendent of public 30665
instruction, in a manner prescribed by the state board of 30666
education, the applicable enrollments for all students in the 30667
cooperative education district, also indicating the city, local, 30668
or exempted village district where each pupil is entitled to 30669
attend school under section 3313.64 or 3313.65 of the Revised 30670
Code. 30671

(K) If the superintendent of public instruction determines 30672
that a component of the enrollment certified or reported by a 30673
district superintendent, or other reporting entity, is not 30674
correct, the superintendent of public instruction may order that 30675
the ~~formula ADM used for the purposes of payments under any~~ 30676
~~section of Title XXXIII of the Revised Code~~ district's enrolled 30677
ADM, formula ADM, or both be adjusted in the amount of the error. 30678

Sec. 3317.051. (A) ~~As used in this section, "gifted unit ADM"~~ 30679
~~means a school district's formula ADM minus the number of students~~ 30680
~~reported by a district under divisions (A)(2)(a) and (i) of~~ 30681
~~section 3317.03 of the Revised Code.~~ 30682

~~(B)~~ The department of education shall compute and pay to a 30683
school district funds based on units for services to students 30684
identified as gifted under Chapter 3324. of the Revised Code as 30685
prescribed by this section. 30686

~~(C)~~(B) The department shall allocate gifted units for a 30687
school district as follows: 30688

(1) One gifted coordinator unit shall be allocated for every 30689
3,300 students in a district's ~~gifted unit~~ enrolled ADM, with a 30690
minimum of 0.5 units and a maximum of 8 units allocated for the 30691
district. 30692

(2) One kindergarten through eighth grade gifted intervention 30693
specialist unit shall be allocated for every ~~1,100~~ 140 gifted 30694

students in a district's gifted unit ADM enrolled in grades 30695
kindergarten through eight in the district, as certified under 30696
division (B)(22) of section 3317.03 of the Revised Code, with a 30697
minimum of 0.3 units allocated for the district. 30698

~~(D)~~(3) One ninth through twelfth grade gifted intervention 30699
specialist unit shall be allocated for every 140 gifted students 30700
enrolled in grades nine through twelve in the district, as 30701
certified under division (B)(22) of section 3317.03 of the Revised 30702
Code, with a minimum of 0.3 units allocated for the district. 30703

(C) The department shall pay the following amount to a school 30704
district for gifted units: 30705

~~\$37,370 multiplied by (\$85,776 X the number of units allocated to 30706
a school district under division ~~(C)~~ (B)(1) of this section X the 30707
district's state share percentage) + (\$89,378 X the number of 30708
units allocated to a school district under division (B)(2) of this 30709
section X the district's state share percentage) + (\$80,974 X the 30710
number of units allocated to a school district under division 30711
(B)(3) of this section X the district's state share percentage) 30712~~

~~(E)~~(D) A school district may assign gifted unit funding that 30713
it receives under division ~~(D)~~ (C) of this section to another 30714
school district, an educational service center, a community 30715
school, or a STEM school as part of an arrangement to provide 30716
services to the district. 30717

Sec. 3317.071. For fiscal year 2022 and for each fiscal year 30718
thereafter, the department of education shall implement a program 30719
to distribute bus purchasing grants of not less than \$45,000 to 30720
city, local, and exempted village school districts for the purpose 30721
of replacing the oldest and highest mileage buses in the state 30722
assigned to routes. The department shall annually collect age, 30723
mileage, and vehicle condition data from districts through its 30724
transportation data collection system. 30725

Sec. 3317.072. (A) The transportation collaboration fund is hereby created in the state treasury. The fund shall consist of money appropriated for this purpose by the general assembly. The department of education shall use money in the fund for grants awarded under this section.

(B)(1) The department shall award transportation collaboration grants each fiscal year to city, local, and exempted village school districts for efforts that lead to shared resource management, routing consolidation, regional collaboration, or other activities that have the potential to reduce transportation operating costs.

(2) The department shall determine the amount of each grant awarded, but no grant shall exceed \$10,000 for any fiscal year.

(3) The department shall adopt rules regarding all of the following:

(a) The process for city, local, and exempted village school districts to submit applications for grants awarded under this section, including the deadline for those applications to be submitted;

(b) The application form for grants awarded under this section;

(c) The requirements and process for grant recipients to be eligible to renew their grants in future fiscal years;

(d) Any other rules necessary to implement the provisions of this section.

Sec. 3317.11. (A) As used in this section:

(1) "Base amount" is equal to \$356,250.

(2) "Funding base" means the amount paid to an educational service center under Section 265.360 of H.B. 166 of the 133rd

general assembly for fiscal year 2020. 30755

(3) "General phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code. 30756
30757
30758

(4) "Student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code. 30759
30760

(B) For each fiscal year, the department of education shall pay the governing board of each educational service center an amount equal to the following: 30761
30762
30763

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year] 30764
30765
30766
30767
30768

(C) For each fiscal year, the department shall calculate an amount for each educational service center as follows: 30769
30770

(1) If the educational service center has a student count of 5,000 students or less, the base amount. 30771
30772

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000 students, the following sum: 30773
30774
30775

The base amount + [(the educational service center's student count - 5,000) X \$24.72] 30776
30777

(3) If the educational service center has a student count greater than 35,000 students, the following sum: 30778
30779

The base amount + (30,000 X \$24.72) + [(the educational service center's student count - 35,000) X \$30.90] 30780
30781

Sec. 3317.16. ~~(A)~~ The department of education shall compute and distribute state core foundation funding to each joint vocational school district for the fiscal year ~~as prescribed in~~ 30782
30783
30784

~~the following divisions~~ in accordance with the following formula: 30785

The district's funding base + [(the district's state core 30786
foundation funding components for that fiscal year calculated 30787
under divisions (A)(1), (2), (4), (5), and (6) of this section - 30788
the district's general funding base) X the district's general 30789
phase-in percentage for that fiscal year] + [(the district's 30790
disadvantaged pupil impact aid for that fiscal year calculated 30791
under division (A)(3) of this section - the district's 30792
disadvantaged pupil impact aid funding base) X the district's 30793
phase-in percentage for disadvantaged pupil impact aid for that 30794
fiscal year] 30795

(A) A district's state core foundation funding components 30796
shall be all of the following: 30797

(1) ~~An opportunity grant~~ The district's state share of the 30798
base cost calculated according to the following formula: 30799

(The ~~formula amount~~ X ~~formula~~ ADM district's base cost calculated 30800
under section 3317.012 of the Revised Code) - (0.0005 X the lesser 30801
of the district's three-year average valuation or the district's 30802
most recent valuation) 30803

However, no district shall receive an ~~opportunity grant~~ 30804
amount under division (A)(1) of this section that is less than 30805
0.05 times the ~~formula amount~~ times ~~formula~~ ADM base cost 30806
calculated for the district under section 3317.012 of the Revised 30807
Code. 30808

(2) Additional state aid for special education and related 30809
services provided under Chapter 3323. of the Revised Code 30810
calculated as the sum of the following: 30811

(a) The district's category one special education ADM X the 30812
amount multiple specified in division (A) of section 3317.013 of 30813
the Revised Code X the statewide average base cost per pupil for 30814
that fiscal year X the district's state share percentage; 30815

(b) The district's category two special education ADM X the amount ~~multiple~~ specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(c) The district's category three special education ADM X the amount ~~multiple~~ specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(d) The district's category four special education ADM X the amount ~~multiple~~ specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(e) The district's category five special education ADM X the amount ~~multiple~~ specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(f) The district's category six special education ADM X the amount ~~multiple~~ specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.

(3) ~~Economically disadvantaged funds~~ Disadvantaged pupil impact aid calculated according to the following formula:
~~\$272~~ \$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code

(4) English learner funds calculated as the sum of the following:

(a) The district's category one English learner ADM X the amount ~~multiple~~ specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;

(b) The district's category two English learner ADM X the amount ~~multiple~~ specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 30847
30848
30849
30850

(c) The district's category three English learner ADM X the amount ~~multiple~~ specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;. 30851
30852
30853
30854

(5) Career-technical education funds calculated ~~as the sum of the following~~; 30855
30856

~~(a) The district's category one career technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 30857
30858
30859

~~(b) The district's category two career technical education ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 30860
30861
30862

~~(c) The district's category three career technical education ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 30863
30864
30865

~~(d) The district's category four career technical education ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage;~~ 30866
30867
30868

~~(e) The district's category five career technical education ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage.~~ 30869
30870
30871

~~Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code under division (C) of section 3317.014 of the Revised Code.~~ 30872
30873
30874

(6) Career-technical education associated services funds calculated under ~~the following formula~~; 30875
30876

~~The district's state share percentage X the 30877
amount for career technical education associated services 30878
specified in section 3317.014 of the Revised Code X the sum of 30879
categories one through five career technical 30880
education ADM 30881~~

~~(7) A graduation bonus calculated according to the following 30882
formula: 30883~~

~~The district's graduation rate as reported on its most recent 30884
report card issued by the department under section 3302.033 of the 30885
Revised Code X 0.075 X the formula amount X the number of the 30886
district's students who received high school or honors high school 30887
diplomas as reported by the district to the department, in 30888
accordance with the guidelines adopted under section 3301.0714 of 30889
the Revised Code, for the same school year for which the most 30890
recent report card was issued X the district's state share 30891
percentage division (D) of section 3317.014 of the Revised Code. 30892~~

(B)(1) If a joint vocational school district's costs for a 30893
fiscal year for a student in its categories two through six 30894
special education ADM exceed the threshold catastrophic cost for 30895
serving the student, as specified in division (B) of section 30896
3317.0214 of the Revised Code, the district may submit to the 30897
superintendent of public instruction documentation, as prescribed 30898
by the superintendent, of all of its costs for that student. Upon 30899
submission of documentation for a student of the type and in the 30900
manner prescribed, the department shall pay to the district an 30901
amount equal to the sum of the following: 30902

(a) One-half of the district's costs for the student in 30903
excess of the threshold catastrophic cost; 30904

(b) The product of one-half of the district's costs for the 30905
student in excess of the threshold catastrophic cost multiplied by 30906
the district's state share percentage. 30907

(2) The district shall report under division (B)(1) of this 30908

section, and the department shall pay for, only the costs of 30909
educational expenses and the related services provided to the 30910
student in accordance with the student's individualized education 30911
program. Any legal fees, court costs, or other costs associated 30912
with any cause of action relating to the student may not be 30913
included in the amount. 30914

(C)(1) For each student with a disability receiving special 30915
education and related services under an individualized education 30916
program, as defined in section 3323.01 of the Revised Code, at a 30917
joint vocational school district, the resident district or, if the 30918
student is enrolled in a community school, the community school 30919
shall be responsible for the amount of any costs of providing 30920
those special education and related services to that student that 30921
exceed the sum of the amount calculated for those services 30922
attributable to that student under division (A) of this section. 30923

Those excess costs shall be calculated using a formula 30924
approved by the department. 30925

(2) The board of education of the joint vocational school 30926
district may report the excess costs calculated under division 30927
(C)(1) of this section to the department of education. 30928

(3) If the board of education of the joint vocational school 30929
district reports excess costs under division (C)(2) of this 30930
section, the department shall pay the amount of excess cost 30931
calculated under division (C)(2) of this section to the joint 30932
vocational school district and shall deduct that amount as 30933
provided in division (C)(3)(a) or (b) of this section, as 30934
applicable: 30935

(a) If the student is not enrolled in a community school, the 30936
department shall deduct the amount from the account of the 30937
student's resident district pursuant to division (J) of section 30938
3317.023 of the Revised Code. 30939

(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.

~~(D)(1) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career technical education expenses. Career technical education expenses approved by the department shall include only expenses connected to the delivery of career technical programming to career technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent.~~

~~(2) All funds received under division (A)(5) of this section shall be spent in the following manner:~~

~~(a) At least seventy five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career technical student organization fees and expenses; home and agency linkages; work based learning experiences; professional development; and other costs directly associated with career technical education programs including development of new programs.~~

~~(b) Not more than twenty five per cent of the funds shall be used for personnel expenditures.~~

~~(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised~~

~~Code, shall spend those funds only for the purposes that the 30971
department designates as approved for career technical education 30972
associated services expenses, which may include such purposes as 30973
apprenticeship coordinators, coordinators for other 30974
career technical education services, career technical evaluation, 30975
and other purposes designated by the department. The department 30976
may deny payment under division (A)(6) of this section to any 30977
district that the department determines is not operating those 30978
services or is using funds paid under division (A)(6) of this 30979
section, or through a transfer of funds pursuant to division (I) 30980
of section 3317.023 of the Revised Code, for other purposes. 30981~~

~~(F)~~ A joint vocational school district shall spend the funds 30982
it receives under division (A)(3) of this section in accordance 30983
with section 3317.25 of the Revised Code. 30984

~~(G)~~(E) In any fiscal year, a school district shall spend the 30985
funds it receives under division (A)(4) of this section only for 30986
services for English learners. 30987

(F) As used in this section: 30988

(1) "Community school" means a community school established 30989
under Chapter 3314. of the Revised Code. 30990

(2) "Resident district" means the city, local, or exempted 30991
village school district in which a student is entitled to attend 30992
school under section 3313.64 or 3313.65 of the Revised Code. 30993

~~(3) "State share percentage" is equal to the following:~~ 30994

~~The amount computed under division (A)(1) of this section /~~ 30995

~~(the formula amount X formula ADM)~~ 30996

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the 30998
department of education shall pay temporary transitional aid to 30999
each joint vocational school district according to the following 31000
formula: 31001

(The district's funding base, as that term is defined in section 3317.02 of the Revised Code) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is computed) 31002
31003
31004
31005

If the computation made under division (A) of this section results in a negative number, the district's funding under division (A) of this section shall be zero. 31006
31007
31008

(B) For fiscal year 2024 and for each fiscal year thereafter, the department shall pay temporary transitional aid to each joint vocational school district according to the following formula: 31009
31010
31011

(The district's guaranteed funding for the third preceding fiscal year / the average of the district's enrolled ADM for the third, fourth, and fifth preceding fiscal years) - (the district's payment under section 3317.16 of the Revised Code for the fiscal year for which the payment is calculated / the district's enrolled ADM for the fiscal year for which the payment is calculated) X the district's enrolled ADM for the fiscal year for which the payment is calculated 31012
31013
31014
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31019

If the computation made under this division results in a negative number, the district's funding under this division shall be zero. 31020
31021
31022

For purposes of this computation, a district's "guaranteed funding" means the following: 31023
31024

(1) For fiscal year 2021, the district's funding base, as that term is defined in section 3317.02 of the Revised Code; 31025
31026

(2) For fiscal years 2022 and 2023, the district's payment for that fiscal year under section 3317.16 of the Revised Code plus the district's payment for that fiscal year under division (A) of this section; 31027
31028
31029
31030

(3) For fiscal year 2024 and for each fiscal year thereafter, the district's payment for that fiscal year under section 3317.16 31031
31032

of the Revised Code plus the district's payment for that fiscal year under division (B) of this section. 31033
31034

(C) If a joint vocational school district begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or for any fiscal year thereafter but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall establish the following as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's funding base under division (C) of section 3317.019 of the Revised Code: 31035
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31037
31038
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31040
31041
31042

(1) For purposes of division (A) of this section, the district's funding base, as that term is defined in section 3317.02 of the Revised Code. 31043
31044
31045

(2) For purposes of division (B) of this section, the district's guaranteed funding. 31046
31047

Sec. 3317.20. This section does not apply to preschool children with disabilities. 31048
31049

(A) As used in this section: 31050

(1) "Applicable special education amount" means the amount specified in section 3317.013 of the Revised Code for a disability described in that section. 31051
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(2) "Child's school district" means the school district in which a child is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 31054
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(3) "State share ~~index~~ percentage" means the state share ~~index~~ percentage of the child's school district. 31057
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(B) The department shall annually pay each county board of developmental disabilities for each child with a disability, other than a preschool child with a disability, for whom the county board provides special education and related services an amount 31059
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equal to the ~~formula amount~~ statewide average base cost per pupil 31063
+ (state share ~~index~~ percentage X the applicable special education 31064
~~amount~~ weight X the statewide average base cost per pupil). 31065

(C) Each county board of developmental disabilities shall 31066
report to the department, in the manner specified by the 31067
department, the name of each child for whom the county board of 31068
developmental disabilities provides special education and related 31069
services and the child's school district. 31070

(D)(1) For the purpose of verifying the accuracy of the 31071
payments under this section, the department may request from 31072
either of the following entities the data verification code 31073
assigned under division (D)(2) of section 3301.0714 of the Revised 31074
Code to any child who is placed with a county board of 31075
developmental disabilities: 31076

(a) The child's school district; 31077

(b) The independent contractor engaged to create and maintain 31078
data verification codes. 31079

(2) Upon a request by the department under division (D)(1) of 31080
this section for the data verification code of a child, the 31081
child's school district shall submit that code to the department 31082
in the manner specified by the department. If the child has not 31083
been assigned a code, the district shall assign a code to that 31084
child and submit the code to the department by a date specified by 31085
the department. If the district does not assign a code to the 31086
child by the specified date, the department shall assign a code to 31087
the child. 31088

The department annually shall submit to each school district 31089
the name and data verification code of each child residing in the 31090
district for whom the department has assigned a code under this 31091
division. 31092

(3) The department shall not release any data verification 31093

code that it receives under division (D) of this section to any person except as provided by law. 31094
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(E) Any document relative to special education and related services provided by a county board of developmental disabilities that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 31096
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Sec. 3317.25. (A) As used in this section, "~~economically disadvantaged funds~~ disadvantaged pupil impact aid" means the following: 31102
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(1) For a city, local, or exempted village school district, the funds received under division ~~(A)(5)~~ (A)(4) of section 3317.022 of the Revised Code; 31105
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(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code; 31108
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(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division ~~(C)(1)(e)~~ (C)(1)(c) of section 3314.08 of the Revised Code; 31111
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(4) For a STEM school established under Chapter 3326. of the Revised Code, the funds received under division ~~(E)~~ (B)(3) of section 3326.33 of the Revised Code. 31114
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(B) In any fiscal year, a city, local, exempted village, or joint vocational school district, community school, or STEM school shall spend the ~~economically disadvantaged funds~~ disadvantaged pupil impact aid it receives for any of the following initiatives or a combination of any of the following initiatives: 31117
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(1) Extended school day and school year; 31122

(2) Reading improvement and intervention; 31123

(3) Instructional technology or blended learning;	31124
(4) Professional development in reading instruction for teachers of students in kindergarten through third grade;	31125 31126
(5) Dropout prevention;	31127
(6) School safety and security measures;	31128
(7) Community learning centers that address barriers to learning;	31129 31130
(8) Academic interventions for students in any of grades six through twelve;	31131 31132
(9) Employment of an individual who has successfully completed the bright new leaders for Ohio schools program as a principal or an assistant principal under section 3319.272 of the Revised Code;	31133 31134 31135 31136
<u>(10) Reduced class size;</u>	31137
<u>(11) One year of quality preschool for every child who is four years of age and identified as economically disadvantaged;</u>	31138 31139
<u>(12) Student mentoring programs;</u>	31140
<u>(13) Family engagement pertinent to enhanced student educational success;</u>	31141 31142
<u>(14) District-wide professional development to provide greater insight into the needs, culture, and perspective of disadvantaged populations and enhanced ability to recognize and address those needs;</u>	31143 31144 31145 31146
<u>(15) Mental health services;</u>	31147
<u>(16) Services for homeless youth;</u>	31148
<u>(17) Services for child welfare involving youth;</u>	31149
<u>(18) Community liaisons;</u>	31150
<u>(19) Physical health care services;</u>	31151

<u>(20) Mentoring programs;</u>	31152
<u>(21) Family engagement and support services;</u>	31153
<u>(22) City connects programming;</u>	31154
<u>(23) Professional development regarding the provision of trauma informed care;</u>	31155 31156
<u>(24) Professional development regarding cultural competence;</u>	31157
<u>(25) Student services provided prior to or after the regularly scheduled school day or any time school is not in session.</u>	31158 31159 31160
<u>(C) Each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with both of the following community partners:</u>	31161 31162 31163 31164 31165
<u>(1) A board of alcohol, drug, and mental health services established under Chapter 340. of the Revised Code;</u>	31166 31167
<u>(2) One of the following:</u>	31168
<u>(a) An educational service center;</u>	31169
<u>(b) A county board of developmental disabilities;</u>	31170
<u>(c) A community-based mental health treatment provider;</u>	31171
<u>(d) A board of health of a city or general health district;</u>	31172
<u>(e) A county department of job and family services;</u>	31173
<u>(f) A nonprofit organization with experience serving children;</u>	31174 31175
<u>(g) A public hospital agency.</u>	31176
<u>(D) At the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of</u>	31177 31178 31179

education ~~describing~~ through the education management information 31180
system established under section 3301.0714 of the Revised Code 31181
that describes the initiative or initiatives on which the 31182
district's or school's ~~economically disadvantaged funds~~ 31183
disadvantaged pupil impact aid were spent during that fiscal year 31184
and the amount of money that was spent on each initiative. 31185

~~(D)~~(E) Starting in 2015, the department shall submit a report 31186
of the information it receives under division (C) of this section 31187
to the General Assembly not later than the first day of December 31188
of each odd-numbered year in accordance with section 101.68 of the 31189
Revised Code. 31190

Sec. 3317.60. (A) The school funding oversight commission is 31191
hereby created. The commission shall do all of the following: 31192

(1) Evaluate and analyze the manner in which the funding 31193
requirements of H.B. 305 of the 133rd general assembly are being 31194
implemented and make recommendations to the general assembly to 31195
ensure that, if at all possible, the funding priorities specified 31196
in H.B. 305 of the 133rd general assembly are implemented as 31197
directed and that all other provisions are funded as equitably and 31198
evenly as possible as additional funding becomes available; 31199

(2) Analyze and make recommendations to the general assembly 31200
regarding any appropriate adjustments to the provisions of H.B. 31201
305 of the 133rd general assembly for inflation, technology 31202
developments, changes in instructional methodology, or the use of 31203
databases; 31204

(3) Review and analyze the findings or implications of any of 31205
the studies authorized in Sections 4, 5, 6, and 7 of S.B. 310 of 31206
the 133rd general assembly as amended by this act, as those 31207
studies become available, or any other school funding studies 31208
authorized in related legislation and make appropriate 31209
recommendations to the general assembly; 31210

(4) Upon the implementation of the provisions of H.B. 305 of the 133rd general assembly, assess the impact of its calculations and other basic concepts and make recommendations to the general assembly regarding appropriate modifications to those calculations and other basic concepts; 31211
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(5) Generally monitor the implementation of the provisions of H.B. 305 of the 133rd general assembly to ensure that they are implemented in a timely and effective manner that is consistent with the intent of the general assembly at the time those provisions were enacted and make recommendations to the general assembly regarding its implementation. 31216
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(B)(1) The school funding oversight commission shall consist of the following members: 31222
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(a) Two members of the house of representatives, appointed by the speaker of the house of representatives, and two members of the senate, appointed by the president of the senate. Of the members appointed by the speaker of the house of representatives, one shall be a member of the majority party, and one shall be a member of the minority party that has the most members. Of the members appointed by the president of the senate, one shall be a member of the majority party, and one shall be a member of the minority party that has the most members. 31224
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(b) Three school district superintendents, appointed by the superintendent of public instruction with advice from those statewide organizations that represent school district superintendents, and three school district treasurers, appointed by the superintendent of public instruction with advice from those statewide organizations that represent school district treasurers. The superintendent of public instruction shall attempt to ensure that the school district superintendents and treasurers appointed under division (B)(1)(b) of this section represent a combination of urban, suburban, and rural school districts and a combination 31233
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of school districts with different per-pupil local capacity 31243
amounts calculated under section 3317.017 of the Revised Code. 31244

(c) Three parents, not more than two of whom shall be from 31245
the same political party, appointed by the governor. In making 31246
appointments under division (B)(1)(c) of this section, the 31247
governor shall attempt to ensure that the parents appointed are a 31248
combination of parents of students who are enrolled in, will 31249
enroll in, or were enrolled in public schools. 31250

(d) Three teachers appointed by the superintendent of public 31251
instruction. The superintendent of public instruction shall 31252
attempt to ensure that the teachers appointed under division 31253
(B)(1)(d) of this section represent a combination of urban, 31254
suburban, and rural school districts and a combination of school 31255
districts with different per-pupil local capacity amounts 31256
calculated under section 3317.017 of the Revised Code. 31257

(e) Three school board members appointed by the 31258
superintendent of public instruction. The superintendent of public 31259
instruction shall attempt to ensure that the school board members 31260
appointed under division (B)(1)(e) of this section represent a 31261
combination of urban, suburban, and rural school districts and a 31262
combination of school districts with different per-pupil local 31263
capacity amounts calculated under section 3317.017 of the Revised 31264
Code. 31265

(2) Not more than one of the members appointed under 31266
divisions (B)(1)(b), (c), (d), and (e) of this section shall 31267
represent the same school district. 31268

(C) All members of the commission shall be appointed prior to 31269
the commission's first meeting as prescribed in division (D) of 31270
this section. Half of the members appointed under each of 31271
divisions (B)(1)(a), (b), (c), (d), and (e) of this section shall 31272
be appointed for two-year terms, and half of the members appointed 31273

under each of divisions (B)(1)(a), (b), (c), (d), and (e) of this 31274
section shall be appointed for four-year terms. Thereafter, all 31275
members shall be appointed for four-year terms. No member shall be 31276
eligible for reappointment except for those members appointed for 31277
initial two-year terms. 31278

(D) Not later than one year after the effective date of this 31279
section, the superintendent of public instruction shall call the 31280
first meeting of the school funding oversight commission. At that 31281
meeting, the members of the commission shall select a chair and 31282
vice-chair of the commission. Thereafter, the commission shall 31283
meet at least once every six months at the call of the chair. 31284

Sec. 3318.038. (A) As used in this section: 31285

(1) "Drinking fountain" means a fountain to which all of the 31286
following apply: 31287

(a) The fountain is designed to allow an individual to drink 31288
from the fountain. 31289

(b) The fountain dispenses filtered, clean drinking water. 31290

(c) The fountain is equipped with a protective cowl. 31291

(d) The fountain is equipped with a water spout at least one 31292
inch above the overflow rim of the fountain. 31293

(2) "Water bottle filling station" means a station to which 31294
~~both~~ all of the following apply: 31295

(a) The station is designed to fill a bottle with water. 31296

(b) The station dispenses filtered, clean drinking water. 31297

(c) The station is accessible to all people in compliance 31298
with the "Americans With Disabilities Act of 1990," 42 U.S.C. 31299
12101 et seq. 31300

(d) The station may be integrated into a drinking fountain as 31301
a combination unit. 31302

(B) When reviewing design plans for a classroom facility construction project proposed under this chapter, the Ohio facilities construction commission shall require that each classroom facility included in the project shall contain, or provide for in the design plans, all of the following as a condition of approval of the project:

(1) A minimum of two water bottle filling stations in each building;

(2) A minimum of one ~~drinking fountain or~~ water bottle filling station or combination unit on each floor and wing of each building;

(3) A minimum of one ~~drinking fountain or~~ water bottle filling station or combination unit for every one hundred students projected to attend the building upon completion of the project;

(4) A minimum of one water bottle filling station in or near each cafeteria, gymnasium, outdoor recreation space, or other high-traffic area.

(C) Each school district board of education or school governing body shall ensure that each drinking fountain ~~and,~~ water bottle filling station, or combination unit installed in a classroom facility included in a project under this chapter is regularly cleaned and maintained.

(D) Each district board or school governing body shall permit students, teachers, and other school staff to carry and use water bottles that are made of material that is not easily breakable, have lids to prevent spills, and are filled exclusively with water. However, a district board or school governing body may prohibit water bottles from a library, computer lab, science lab, or other location where the district board or school governing body determines it is dangerous to have drinking water. A district board or school governing body may issue a disciplinary action for

misuse of a water bottle. 31334

(E) The requirements of this section are in addition to the 31335
requirements of Chapters 3781. and 3791. of the Revised Code and 31336
any rule adopted pursuant to those chapters. 31337

Sec. 3319.0812. (A) As used in this section, "license" has 31338
the same meaning as in section 3319.31 of the Revised Code. 31339

(B) If a school district, chartered nonpublic school, or 31340
county board of developmental disabilities contracts with a public 31341
or private entity for the provision of services to the district, 31342
school, or board, any individual employed or retained by the 31343
entity to provide the services shall hold any license that the 31344
individual would be required to hold if the individual were 31345
employed directly by the district, school, or board to provide the 31346
same services. Prior to the individual commencing the provision of 31347
services, the district, school, or board shall obtain verification 31348
from the entity employing or retaining the individual that the 31349
individual holds the applicable license. 31350

Sec. 3319.151. (A) As used in this section, "assessment" 31351
means an assessment administered under section 3301.0711 of the 31352
Revised Code. 31353

(B) No person shall ~~reveal~~ do any of the following: 31354

(1) Reveal to any student any specific question that the 31355
person knows is part of an assessment ~~to be administered under~~ 31356
~~section 3301.0711 of the Revised Code~~ or in any other way assist a 31357
pupil to cheat on ~~such~~ an assessment; 31358

(2) Obtain prior knowledge of the contents of an assessment; 31359

(3) Use prior knowledge of the contents of an assessment to 31360
assist students in preparing for the assessment; 31361

(4) Fail to comply with any rule adopted by the department of 31362

education regarding security protocols for an assessment. 31363

~~(B)(C)~~ On a finding by the state board of education, after 31364
investigation, that a school employee who holds a license ~~issued~~ 31365
~~under sections 3319.22 to~~, as defined in section 3319.31 of the 31366
Revised Code, has violated division ~~(A)(B)~~ of this section, ~~the~~ 31367
~~license of such teacher shall be suspended for one year. Prior to~~ 31368
~~commencing an investigation,~~ the state board shall take any action 31369
against the employee under section 3319.31 of the Revised Code 31370
that it considers appropriate, based on the nature and extent of 31371
the violation. The state board shall give the teacher employee 31372
notice of the allegation ~~and~~ upon commencing an investigation and 31373
shall give the employee an opportunity to respond and present a 31374
defense prior to taking any disciplinary action. 31375

~~(C)(D)~~(1) Violation of division ~~(A)(B)~~ of this section is 31376
grounds for termination of employment of a nonteaching employee 31377
under division (C) of section 3319.081 or section 124.34 of the 31378
Revised Code. 31379

(2) Violation of division ~~(A)(B)~~ of this section is grounds 31380
for termination of a teacher contract under section 3311.82 or 31381
3319.16 of the Revised Code. 31382

Sec. 3319.221. (A) The state board of education, the 31383
department of education, any city, local, exempted village, and 31384
joint vocational school district board of education, and any other 31385
public school, as defined in section 3301.0711 of the Revised 31386
Code, shall not require a separate pupil services license issued 31387
by the state board as a credential for working in a public school, 31388
on either a permanent basis or a substitute or other temporary 31389
basis, for the following licensed professionals: 31390

(1) A speech-language pathologist who holds a currently valid 31391
license issued under Chapter 4753. of the Revised Code; 31392

(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;	31393 31394
(3) A registered nurse who holds a bachelor's degree in nursing and a currently valid license issued under Chapter 4723. of the Revised Code;	31395 31396 31397
(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;	31398 31399
(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;	31400 31401
(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;	31402 31403
(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;	31404 31405
(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code.	31406 31407
(B) A person employed by a school district or school for any of the occupations listed in divisions (A)(1) to (8) of this section shall be required to apply for and receive a registration from the department of education. The registration shall be valid for five years. As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the department, the individual shall submit the criminal records check to the department. The department shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.	31408 31409 31410 31411 31412 31413 31414 31415 31416 31417 31418 31419 31420
If the department receives notification of the arrest or conviction of an individual registered under division (B) of this	31421 31422

section, the department shall promptly notify the employing 31423
district and may take any action authorized under sections 3319.31 31424
and 3319.311 of the Revised Code that it considers appropriate. No 31425
district shall employ any individual under division (A) of this 31426
section if the district learns that the individual has plead 31427
guilty to, has been found guilty by a jury or court of, or has 31428
been convicted of or has a judicial finding of eligibility for 31429
intervention in lieu of conviction for any of the offenses listed 31430
in division (C) of section 3319.31 of the Revised Code, or if the 31431
state board has refused to issue or revoked the individual's 31432
registration under that section. 31433

(C) The department shall charge a registration fee of one 31434
hundred fifty dollars each for the initial registration and one 31435
hundred fifty dollars for renewal of the registration. 31436

Sec. 3319.227. (A) Notwithstanding any other provision of the 31437
Revised Code or any rule adopted by the state board of education 31438
to the contrary, the state board shall issue a resident educator 31439
license under section 3319.22 of the Revised Code to each person 31440
who is assigned to teach in this state as a participant in the 31441
teach for America program and who satisfies the following 31442
conditions for the duration of the program: 31443

(1) Holds a bachelor's degree from an accredited institution 31444
of higher education; 31445

(2) Maintained a cumulative undergraduate grade point average 31446
of at least 2.5 out of 4.0, or its equivalent; 31447

(3) Has passed an examination prescribed by the state board 31448
in the subject area to be taught; 31449

(4) Has successfully completed the summer training institute 31450
operated by teach for America; 31451

(5) Remains an active member of the teach for America 31452

two-year support program. 31453

(B) The state board shall issue a resident educator license 31454
under this section for teaching in any grade level or subject area 31455
for which a person may obtain a resident educator license under 31456
section 3319.22 of the Revised Code. The state board shall not 31457
adopt rules establishing any additional qualifications for the 31458
license beyond those specified in this section. 31459

(C) Notwithstanding any other provision of the Revised Code 31460
or any rule adopted by the state board to the contrary, the state 31461
board shall issue a resident educator license under section 31462
3319.22 of the Revised Code to any applicant who has completed at 31463
least two years of teaching in another state as a participant in 31464
the teach for America program and meets all of the conditions of 31465
divisions (A)(1) to (4) of this section. The state board shall 31466
credit an applicant under this division as having completed two 31467
years of the teacher residency program under section 3319.223 of 31468
the Revised Code. 31469

(D) In order to place teachers in this state, the teach for 31470
America program shall enter into an agreement with one or more 31471
accredited four-year public or private institutions of higher 31472
education in the state to provide optional training of teach for 31473
America participants for the purpose of enabling those 31474
participants to complete an optional master's degree or an 31475
equivalent amount of coursework. Nothing in this division shall 31476
require any teach for America participant to complete a master's 31477
degree as a condition of holding a license issued under this 31478
section. 31479

(E) The superintendent of public instruction, on behalf of 31480
the state board, shall ~~revoke~~ inactivate a resident educator 31481
license issued to a participant in the teach for America program 31482
who is assigned to teach in this state if the participant resigns 31483
or is dismissed from the program prior to completion of the 31484

two-year teach for America support program. The inactivation of a 31485
license under this division does not constitute a suspension or 31486
revocation of the license by the state board under section 3319.31 31487
of the Revised Code and the state board and the state 31488
superintendent need not provide the person with an opportunity for 31489
a hearing with respect to the inactivation. 31490

Sec. 3319.229. (A)(1) Notwithstanding the repeal of former 31491
section 3319.229 of the Revised Code by ~~this act~~ S.B. 216 of the 31492
132nd general assembly, the state board of education shall accept 31493
applications for new, and for renewal of, professional 31494
career-technical teaching licenses through June 30, 2019, and 31495
issue them on the basis of the applications received by that date 31496
in accordance with the rules described in that former section. 31497
Except as otherwise provided in divisions (A)(2) and (3) of this 31498
section, beginning July 1, 2019, the state board shall issue 31499
career-technical workforce development educator licenses only 31500
under this section. 31501

(2) An individual who, on July 1, 2019, holds a professional 31502
career-technical teaching license issued under the rules described 31503
in former section 3319.229 of the Revised Code, may continue to 31504
renew that license in accordance with those rules for the 31505
remainder of the individual's teaching career. However, nothing in 31506
this division shall be construed to prohibit the individual from 31507
applying to the state board for a career-technical workforce 31508
development educator license under this section. 31509

(3) An individual who, on July 1, 2019, holds an alternative 31510
resident educator license for teaching career-technical education 31511
issued under section 3319.26 of the Revised Code may, upon the 31512
expiration of the license, apply for a professional 31513
career-technical teaching license issued under the rules described 31514
in former section 3319.229 of the Revised Code. Such an individual 31515

may continue to renew the professional license in accordance with 31516
those rules for the remainder of the individual's teaching career. 31517
However, nothing in this division shall be construed to prohibit 31518
the individual from applying to the state board for a 31519
career-technical workforce development educator license under this 31520
section. 31521

(B) The state board, in collaboration with the chancellor of 31522
higher education, shall adopt rules establishing standards and 31523
requirements for obtaining a two-year initial career-technical 31524
workforce development educator license and a five-year advanced 31525
career-technical workforce development educator license. Each 31526
license shall be valid for teaching career-technical education or 31527
workforce development programs in grades four through twelve. The 31528
rules shall require applicants for either license to have a high 31529
school diploma or a certificate of high school equivalence as 31530
awarded under section 3301.80 of the Revised Code or as recognized 31531
as the equivalent of such certificate under division (C) of that 31532
section. 31533

(C)(1) The state board shall issue an initial 31534
career-technical workforce development educator license to an 31535
applicant upon request from the superintendent of a school 31536
district that has agreed to employ the applicant. In making the 31537
request, the superintendent shall provide documentation, in 31538
accordance with procedures prescribed by the department of 31539
education, showing that the applicant has at least five years of 31540
work experience, or the equivalent, in the subject area in which 31541
the applicant will teach. The license shall be valid for teaching 31542
only in the requesting district. The superintendent also shall 31543
provide documentation, in accordance with procedures prescribed by 31544
the department, that the applicant is enrolled in a 31545
career-technical workforce development educator preparation 31546
program offered by an institution of higher education that has an 31547

existing teacher preparatory program in place that meets all of 31548
the following criteria: 31549

(a) Is approved by the chancellor of higher education to 31550
provide instruction in teaching methods and principles; 31551

(b) Provides classroom support to the license holder; 31552

(c) Includes at least three semester hours of coursework in 31553
the teaching of reading in the subject area; 31554

(d) Is aligned with career-technical education and workforce 31555
development competencies developed by the department; 31556

(e) Uses a summative performance-based assessment developed 31557
by the program and aligned to the competencies described in 31558
division (C)(1)(d) of this section to evaluate the license 31559
holder's knowledge and skills; 31560

(f) Consists of not less than twenty-four semester hours of 31561
coursework, or the equivalent. 31562

(2) As a condition of continuing to hold the initial 31563
career-technical workforce development license, the holder of the 31564
license shall be participating in a career-technical workforce 31565
development educator preparation program described in division 31566
(C)(1) of this section. 31567

(3) The state board shall renew an initial career-technical 31568
workforce development educator license if the supervisor of the 31569
program described in division (C)(1) of this section and the 31570
superintendent of the employing school district indicate that the 31571
applicant is making sufficient progress in both the program and 31572
the teaching position. 31573

(D) The state board shall issue an advanced career-technical 31574
workforce development educator license to an applicant who has 31575
successfully completed the program described in division (C)(1) of 31576
this section, as indicated by the supervisor of the program, and 31577

who demonstrates mastery of the applicable career-technical 31578
education and workforce development competencies described in 31579
division (C)(1)(d) of this section in the teaching position, as 31580
indicated by the superintendent of the employing school district. 31581

(E) The holder of an advanced career-technical workforce 31582
development educator license shall work with a local professional 31583
development committee established under section 3319.22 of the 31584
Revised Code in meeting requirements for renewal of the license. 31585

(F) Notwithstanding the provisions of section 3319.226 of the 31586
Revised Code, the state board shall not require any applicant for 31587
an educator license for substitute teaching who holds a license 31588
issued under this section to hold a post-secondary degree in order 31589
to be issued a license under section 3319.226 of the Revised Code 31590
to work as a substitute teacher for career-technical education 31591
classes. 31592

Sec. 3319.236. (A) Except as provided in division (B) of this 31593
section, a school district shall require an individual to hold a 31594
valid educator license in computer science, or have a license 31595
endorsement in computer technology and a passing score on a 31596
content examination in the area of computer science, to teach 31597
computer science courses. 31598

(B) A school district may employ an individual, for the 31599
purpose of teaching computer science courses, who holds a valid 31600
educator license in any of grades kindergarten through twelve, 31601
provided the individual meets the requirements established by 31602
rules of the state board of education to qualify for a 31603
supplemental teaching license for teaching computer science. The 31604
rules shall require an applicant for a supplemental teaching 31605
license to pass a content examination in the area of computer 31606
science. The rules also shall permit an individual, after at least 31607
two years of successfully teaching computer science courses under 31608

the supplemental teaching license, to advance to a standard 31609
educator license in computer science by completing a pedagogy 31610
course applicable to the grade levels in which the individual is 31611
teaching. However, the rules may exempt an individual teaching 31612
computer science from the requirement to complete a pedagogy 31613
course if the individual previously completed a pedagogy course 31614
applicable to the grade levels in which the individual is 31615
teaching. 31616

(C) In order for an individual to teach advanced placement 31617
computer science courses, a school district shall require the 31618
individual to also complete a professional development program 31619
endorsed or provided by the organization that creates and 31620
administers national advanced placement examinations. For this 31621
purpose, the individual may complete the program at any time 31622
during the calendar year. 31623

(D) Notwithstanding section 3301.012 of the Revised Code, as 31624
used in this section, "computer science courses" means any courses 31625
that are reported in the education management information system 31626
established under section 3301.0714 of the Revised Code as 31627
computer science courses and which are aligned to computer science 31628
standards adopted by the state board of education. 31629

Sec. 3319.31. (A) As used in this section and sections 31630
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 31631
means a certificate, license, or permit described in this chapter 31632
or in division (B) of section 3301.071 or in section 3301.074 of 31633
the Revised Code or a registration described in division (B) of 31634
section 3302.151 or division (B) of section 3319.221 of the 31635
Revised Code. 31636

(B) For any of the following reasons, the state board of 31637
education, except as provided in division ~~(H)~~ (I) of this section 31638
and in accordance with Chapter 119. and section 3319.311 of the 31639

Revised Code, may refuse to issue a license to an applicant; may 31640
limit a license it issues to an applicant; may suspend, revoke, or 31641
limit a license that has been issued to any person; or may revoke 31642
a license that has been issued to any person and has expired: 31643

(1) Engaging in an immoral act, incompetence, negligence, or 31644
conduct that is unbecoming to the ~~applicant's or person's~~ 31645
~~position; teaching profession. The state board need not consider~~ 31646
whether there is a connection between the applicant's or person's 31647
immoral act, incompetence, negligence, or conduct and the 31648
applicant's or person's ability to perform the duties associated 31649
with the license or the position for which the license is issued; 31650

(2) A plea of guilty to, a finding of guilt by a jury or 31651
court of, or a conviction of any of the following: 31652

(a) A felony other than a felony listed in division (C) of 31653
this section; 31654

(b) An offense of violence other than an offense of violence 31655
listed in division (C) of this section; 31656

(c) A theft offense, as defined in section 2913.01 of the 31657
Revised Code, other than a theft offense listed in division (C) of 31658
this section; 31659

(d) A drug abuse offense, as defined in section 2925.01 of 31660
the Revised Code, that is not a minor misdemeanor, other than a 31661
drug abuse offense listed in division (C) of this section; 31662

(e) An offense listed in section 3319.39 of the Revised Code 31663
other than an offense listed in division (C) of this section; 31664

(f) A violation of an ordinance of a municipal corporation 31665
that is substantively comparable to an offense listed in divisions 31666
(B)(2)(a) to ~~(d)~~ (e) of this section. 31667

(3) A judicial finding of eligibility for intervention in 31668
lieu of conviction under section 2951.041 of the Revised Code, for 31669

any offense listed in division (B)(2) of this section, or agreeing 31670
to participate in a pre-trial diversion program under section 31671
2935.36 of the Revised Code, or a similar diversion program under 31672
rules of a court, for any offense listed in division (B)(2) or (C) 31673
of this section; 31674

(4) Failure to comply with section 3314.40, 3319.313, 31675
3326.24, 3328.19, 5126.253, or 5502.262 of the Revised Code. 31676

(C) Upon learning of a plea of guilty to, a finding of guilt 31677
by a jury or court of, or a conviction of, or a judicial finding 31678
of eligibility for intervention in lieu of conviction for 31679
committing any of the offenses listed in this division by a person 31680
who holds a current or expired license or is an applicant for 31681
renewal of a license, the state board or the superintendent of 31682
public instruction, if the state board has delegated the duty 31683
pursuant to division (D) of this section, shall by a written order 31684
revoke the person's license or deny renewal of the license to the 31685
person. The state board or the superintendent shall revoke a 31686
license that has been issued to a person to whom this division 31687
applies and has expired in the same manner as a license that has 31688
not expired. 31689

Revocation of a license or denial of renewal of a license 31690
under this division is effective immediately at the time and date 31691
that the board or superintendent issues the written order and is 31692
not subject to appeal in accordance with Chapter 119. of the 31693
Revised Code. Revocation of a license or denial of renewal of 31694
license under this division remains in force during the pendency 31695
of an appeal by the person of the plea of guilty, finding of 31696
guilt, ~~or~~ conviction, or judicial finding of eligibility for 31697
intervention in lieu of conviction that is the basis of the action 31698
taken under this division. 31699

The state board or superintendent shall take the action 31700
required by this division for any of the following: 31701

(1) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for a violation of division (B)(1), (2), (3), or (4) of section 2919.22 of the Revised Code; a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 of the Revised Code; a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date; felonious sexual penetration in violation of former section 2907.12 of the Revised Code; or a violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in this paragraph;

(2) A plea of guilty to, a finding of guilt by a jury or court of, or a conviction of, or a judicial finding of eligibility for intervention in lieu of conviction for conspiracy to commit, attempt to commit, or complicity in committing any violation listed in division (C)(1) of this section.

(D) The state board may delegate to the superintendent of public instruction the authority to revoke a person's license or to deny issuance or renewal of a license to a person under

division (C) ~~or~~, (F), or (I) of this section. 31734

(E)(1) If the plea of guilty, finding of guilt, ~~or~~ 31735
conviction, or judicial finding of eligibility for intervention in 31736
lieu of conviction that is the basis of the action taken under 31737
division (B)(2) ~~or~~, (C), or (I) of this section, or under the 31738
version of division (F) of section 3319.311 of the Revised Code in 31739
effect prior to September 12, 2008, is overturned on appeal, upon 31740
exhaustion of the criminal appeal, the clerk of the court that 31741
overturned the plea, finding, ~~or~~ conviction, or judicial finding 31742
or, if applicable, the clerk of the court that accepted an appeal 31743
from the court that overturned the plea, finding, ~~or~~ conviction, 31744
or judicial finding shall notify the state board that the plea, 31745
finding, ~~or~~ conviction, or judicial finding has been overturned. 31746
Within thirty days after receiving the notification, the state 31747
board shall initiate proceedings to reconsider the revocation or 31748
denial of the person's license in accordance with division (E)(2) 31749
of this section. In addition, the person whose license was revoked 31750
or denied may file with the state board a petition for 31751
reconsideration of the revocation or denial along with appropriate 31752
court documents. 31753

(2) Upon receipt of a court notification or a petition and 31754
supporting court documents under division (E)(1) of this section, 31755
the state board, after offering the person an opportunity for an 31756
adjudication hearing under Chapter 119. of the Revised Code, shall 31757
determine whether the person committed the act in question in the 31758
prior criminal action against the person that is the basis of the 31759
revocation or denial and may continue the revocation or denial, 31760
may reinstate the person's license, with or without limits, or may 31761
grant the person a new license, with or without limits. The 31762
decision of the board shall be based on grounds for revoking, 31763
denying, suspending, or limiting a license adopted by rule under 31764
division (G) of this section and in accordance with the 31765

evidentiary standards the board employs for all other licensure 31766
hearings. The decision of the board under this division is subject 31767
to appeal under Chapter 119. of the Revised Code. 31768

(3) A person whose license is revoked or denied under 31769
division (C) or (I) of this section shall not apply for any 31770
license if the plea of guilty, finding of guilt, ~~or conviction,~~ or 31771
judicial finding of eligibility for intervention in lieu of 31772
conviction that is the basis of the revocation or denial, upon 31773
completion of the criminal appeal, either is upheld or is 31774
overturned but the state board continues the revocation or denial 31775
under division (E)(2) of this section and that continuation is 31776
upheld on final appeal. 31777

(F) The state board may take action under division (B) or 31778
(I)(2) or (3) of this section, and the state board or the 31779
superintendent shall take the action required under division (C) 31780
or (I)(1) of this section, on the basis of substantially 31781
comparable conduct occurring in a jurisdiction outside this state 31782
or occurring before a person applies for or receives any license. 31783

(G) The state board may adopt rules in accordance with 31784
Chapter 119. of the Revised Code to carry out this section and 31785
section 3319.311 of the Revised Code. 31786

~~(H) The state board shall not refuse to issue a license to an 31787
applicant because of a conviction of, a plea of guilty to, or a 31788
finding of guilt by a jury or court of an offense unless the 31789
refusal is in accordance with section 9.79 of the Revised Code. 31790
The general assembly has previously authorized the state board to 31791
refuse to issue an initial license to an applicant for an offense 31792
described in division (B) of this section, and has required the 31793
state board to refuse to issue an initial license to an applicant 31794
for an offense described in division (C) of this section. 31795
Consistent with those directives of the general assembly, the 31796
state board has determined that the offenses described in those 31797~~

divisions are directly related to the duties and responsibilities 31798
of the position for which a license is issued. Therefore, in 31799
publishing the list of criminal offenses that may disqualify an 31800
applicant from obtaining an initial license, as required by 31801
division (B) of section 9.79 of the Revised Code, the state board 31802
shall include the offenses described in divisions (B)(2) and (C) 31803
of this section and shall specify that a plea of guilty, finding 31804
of guilt, conviction, or judicial finding of eligibility for 31805
intervention in lieu of conviction for any offense described in 31806
division (C) of this section shall result in automatic refusal to 31807
issue a license in accordance with division (I)(1) of this 31808
section. 31809

(I) In determining whether to issue an initial license to an 31810
applicant, the state board shall make that determination in 31811
accordance with section 9.79 of the Revised Code, except that, 31812
notwithstanding divisions (C) and (D) of that section, all of the 31813
following shall apply: 31814

(1) The state board shall refuse to issue an initial license 31815
to an applicant who has plead guilty to, been found guilty by a 31816
jury or court of, been convicted of, or had a judicial finding of 31817
eligibility for intervention in lieu of conviction for committing 31818
any offense listed in division (C) of this section, regardless of 31819
the length of time since the applicant's plea of guilty, finding 31820
of guilt, conviction, or judicial finding of eligibility for 31821
intervention in lieu of conviction. Refusal of a license under 31822
division (I)(1) of this section is effective immediately at the 31823
time and date that the state board or state superintendent issues 31824
the written order and is not subject to appeal in accordance with 31825
Chapter 119. of the Revised Code. Refusal of a license under 31826
division (I)(1) of this section remains in force during the 31827
pendency of an appeal by the applicant of the plea of guilty, 31828
finding of guilt, conviction, or judicial finding of eligibility 31829

for intervention in lieu of conviction that is the basis of the 31830
action taken under this division. 31831

(2) The state board may refuse to issue an initial license to 31832
an applicant who has plead guilty to, been found guilty by a jury 31833
or court of, been convicted of, or had a judicial finding of 31834
eligibility for intervention in lieu of conviction for committing 31835
any offense listed in division (B)(2) of this section, regardless 31836
of the length of time since the applicant's plea of guilty, 31837
finding of guilt, conviction, or judicial finding of eligibility 31838
for intervention in lieu of conviction. 31839

(3) If an applicant has plead guilty to, been found guilty by 31840
a jury or court of, been convicted of, or had a judicial finding 31841
of eligibility for intervention in lieu of conviction for multiple 31842
offenses, the state board may consider that fact in determining 31843
whether to issue the applicant a license, regardless of the length 31844
of time since the applicant's most recent plea of guilty, finding 31845
of guilt, conviction, or judicial finding of eligibility for 31846
intervention in lieu of conviction. 31847

Sec. 3319.311. (A)(1) The state board of education, or the 31848
superintendent of public instruction on behalf of the board, may 31849
investigate any information received about a person that 31850
reasonably appears to be a basis for action under section 3319.31 31851
of the Revised Code, including information received pursuant to 31852
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 31853
or 5153.176 of the Revised Code. ~~Except as provided in division~~ 31854
~~(A)(2) of this section, the board shall contract with the office~~ 31855
~~of the Ohio attorney general to conduct any investigation of that~~ 31856
~~nature.~~ The board shall pay for the costs of ~~the contract~~ any such 31857
investigation only from moneys in the state board of education 31858
licensure fund established under section 3319.51 of the Revised 31859
Code. Except as provided in division (A)(2) of this section and 31860

section 3319.319 of the Revised Code, all information received 31861
pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 31862
5126.253, or 5153.176 of the Revised Code, and all information 31863
obtained during an investigation is confidential and is not a 31864
public record under section 149.43 of the Revised Code. ~~If an~~ 31865
~~investigation is conducted under this division regarding~~ 31866
~~information received about a person and no action is taken against~~ 31867
~~the person under this section or section 3319.31 of the Revised~~ 31868
~~Code within two years of the completion of the investigation, all~~ 31869
~~records of the investigation shall be expunged.~~ 31870

(2) In the case of a person about whom the board has learned 31871
of a plea of guilty to, finding of guilt by a jury or court of, ~~or~~ 31872
a conviction of, or judicial finding of eligibility for 31873
intervention in lieu of conviction for committing an offense 31874
listed in division (C) of section 3319.31 of the Revised Code, or 31875
substantially comparable conduct occurring in a jurisdiction 31876
outside this state, the board or the superintendent of public 31877
instruction need not conduct any further investigation and shall 31878
take the action required by division (C) ~~or~~, (F), or (I)(1) of 31879
that section. Except as provided in division (G) of this section, 31880
all information obtained by the board or the superintendent of 31881
public instruction pertaining to the action is a public record 31882
under section 149.43 of the Revised Code. 31883

(B) The superintendent of public instruction shall review the 31884
results of each investigation of a person conducted under division 31885
(A)(1) of this section and shall determine, on behalf of the state 31886
board, whether the results warrant initiating action under 31887
division (B) or (I) of section 3319.31 of the Revised Code. The 31888
superintendent shall advise the board of such determination at a 31889
meeting of the board. Within fourteen days of the next meeting of 31890
the board, any member of the board may ask that the question of 31891
initiating action under section 3319.31 of the Revised Code be 31892

placed on the board's agenda for that next meeting. Prior to 31893
initiating that action against any person, the person's name and 31894
any other personally identifiable information shall remain 31895
confidential. 31896

(C) The board shall take no action against a person under 31897
division (B) or (I) of section 3319.31 of the Revised Code without 31898
providing the person with written notice of the charges and with 31899
an opportunity for a hearing in accordance with Chapter 119. of 31900
the Revised Code, unless division (I)(1) of that section applies 31901
to the person. 31902

(D) For purposes of an investigation under division (A)(1) of 31903
this section or a hearing under division (C) of this section or 31904
under division (E)(2) of section 3319.31 of the Revised Code, the 31905
board, or the superintendent on behalf of the board, may 31906
administer oaths, order the taking of depositions, issue 31907
subpoenas, and compel the attendance of witnesses and the 31908
production of books, accounts, papers, records, documents, and 31909
testimony. The issuance of subpoenas under this division may be by 31910
certified mail or personal delivery to the person. 31911

(E) The superintendent, on behalf of the board, may enter 31912
into a consent agreement with a person against whom action is 31913
being taken under division (B) or (I) of section 3319.31 of the 31914
Revised Code, other than a person to whom division (I)(1) of that 31915
section applies. The board may adopt rules governing the 31916
superintendent's action under this division. 31917

(F) No surrender of a license shall be effective until the 31918
board takes action to accept the surrender unless the surrender is 31919
pursuant to a consent agreement entered into under division (E) of 31920
this section. 31921

(G) The name of any person who is not required to report 31922
information under section 3314.40, 3319.313, 3326.24, 3328.19, 31923

5126.253, or 5153.176 of the Revised Code, but who in good faith provides information to the state board or superintendent of public instruction about alleged misconduct committed by a person who holds a license or has applied for issuance or renewal of a license, shall be confidential and shall not be released. Any such person shall be immune from any civil liability that otherwise might be incurred or imposed for injury, death, or loss to person or property as a result of the provision of that information.

(H)(1) No person shall knowingly make a false report to the superintendent of public instruction or the state board of education alleging misconduct by an employee of a public or chartered nonpublic school or an employee of the operator of a community school established under Chapter 3314. or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(2)(a) In any civil action brought against a person in which it is alleged and proved that the person violated division (H)(1) of this section, the court shall award the prevailing party reasonable attorney's fees and costs that the prevailing party incurred in the civil action or as a result of the false report that was the basis of the violation.

(b) If a person is convicted of or pleads guilty to a violation of division (H)(1) of this section, if the subject of the false report that was the basis of the violation was charged with any violation of a law or ordinance as a result of the false report, and if the subject of the false report is found not to be guilty of the charges brought against the subject as a result of the false report or those charges are dismissed, the court that sentences the person for the violation of division (H)(1) of this section, as part of the sentence, shall order the person to pay restitution to the subject of the false report, in an amount equal to reasonable attorney's fees and costs that the subject of the

false report incurred as a result of or in relation to the 31956
charges. 31957

Sec. 3319.313. (A) As used in this section: 31958

(1) "Conduct unbecoming to the teaching profession" shall be 31959
as described in rules adopted by the state board of education. 31960

(2) "Intervention in lieu of conviction" means intervention 31961
in lieu of conviction under section 2951.041 of the Revised Code. 31962

(3) "License" has the same meaning as in section 3319.31 of 31963
the Revised Code. 31964

(4) "Pre-trial diversion program" means a pre-trial diversion 31965
program under section 2935.36 of the Revised Code or a similar 31966
diversion program under rules of a court. 31967

(B) The superintendent of each school district and each 31968
educational service center or the president of the district or 31969
service center board, if division (C)(1) of this section applies, 31970
and the chief administrator of each chartered nonpublic school or 31971
the president or chairperson of the governing authority of the 31972
nonpublic school, if division (C)(2) of this section applies, 31973
shall promptly submit to the superintendent of public instruction 31974
the information prescribed in division (D) of this section when 31975
any of the following conditions applies to an employee of the 31976
district, service center, or nonpublic school who holds a license 31977
~~issued by the state board of education:~~ 31978

(1) The superintendent, chief administrator, president, or 31979
chairperson knows that the employee has pleaded guilty to, has 31980
been found guilty by a jury or court of, has been convicted of, 31981
has been found to be eligible for intervention in lieu of 31982
conviction for, or has agreed to participate in a pre-trial 31983
diversion program for an offense described in division (B)(2) or 31984
(C) of section 3319.31 or division (B)(1) of section 3319.39 of 31985

the Revised Code;	31986
(2) The district board of education, service center governing board, or nonpublic school chief administrator or governing authority has initiated termination or nonrenewal proceedings against, has terminated, or has not renewed the contract of the employee because the board of education, governing board, or chief administrator has reasonably determined that the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code;	31987 31988 31989 31990 31991 31992 31993 31994 31995
(3) The employee has resigned under threat of termination or nonrenewal as described in division (B)(2) of this section;	31996 31997
(4) The employee has resigned because of or in the course of an investigation by the board of education, governing board, or chief administrator regarding whether the employee has committed an act that is unbecoming to the teaching profession or an offense described in division (B)(2) or (C) of section 3319.31 or division (B)(1) of section 3319.39 of the Revised Code.	31998 31999 32000 32001 32002 32003
(C)(1) If the employee to whom any of the conditions prescribed in divisions (B)(1) to (4) of this section applies is the superintendent or treasurer of a school district or educational service center, the president of the board of education of the school district or of the governing board of the educational service center shall make the report required under this section.	32004 32005 32006 32007 32008 32009 32010
(2) If the employee to whom any of the conditions prescribed in divisions (B)(1) to (4) of this section applies is the chief administrator of a chartered nonpublic school, the president or chairperson of the governing authority of the chartered nonpublic school shall make the report required under this section.	32011 32012 32013 32014 32015
(D) If a report is required under this section, the	32016

superintendent, chief administrator, president, or chairperson 32017
shall submit to the superintendent of public instruction the name 32018
and social security number of the employee about whom the 32019
information is required and a factual statement regarding any of 32020
the conditions prescribed in divisions (B)(1) to (4) of this 32021
section that applies to the employee. 32022

(E) A determination made by the board of education, governing 32023
board, chief administrator, or governing authority as described in 32024
division (B)(2) of this section or a termination, nonrenewal, 32025
resignation, or other separation described in divisions (B)(2) to 32026
(4) of this section does not create a presumption of the 32027
commission or lack of the commission by the employee of an act 32028
unbecoming to the teaching profession or an offense described in 32029
division (B)(2) or (C) of section 3319.31 or division (B)(1) of 32030
section 3319.39 of the Revised Code. 32031

(F) No individual required to submit a report under division 32032
(B) of this section shall knowingly fail to comply with that 32033
division. 32034

(G) An individual who provides information to the 32035
superintendent of public instruction in accordance with this 32036
section in good faith shall be immune from any civil liability 32037
that otherwise might be incurred or imposed for injury, death, or 32038
loss to person or property as a result of the provision of that 32039
information. 32040

Sec. 3319.316. The department of education, on behalf of the 32041
state board of education, shall be a participating public office 32042
for purposes of the retained applicant fingerprint database 32043
established under section 109.5721 of the Revised Code and shall 32044
receive notification from the bureau of criminal identification 32045
and investigation of the arrest or conviction of persons to whom 32046
~~the state board has issued~~ a license, as defined in section 32047

3319.31 of the Revised Code, has been issued. 32048

Sec. 3319.318. (A) As used in this section: 32049

(1) "School representative" includes all of the following: 32050

(a) An employee of a school district, chartered nonpublic 32051
school, or county board of developmental disabilities; 32052

(b) An employee of an entity with which a school district, 32053
chartered nonpublic school, or county board of developmental 32054
disabilities contracts for the provision of services; 32055

(c) A member of a school district board of education, 32056
chartered nonpublic school governing body, or county board of 32057
developmental disabilities. 32058

(2) "Student" means a child who is enrolled in a school 32059
district or chartered nonpublic school or who is receiving 32060
services from a county board of developmental disabilities. 32061

(B) Except as provided in division (C) of this section, no 32062
school representative shall knowingly engage in any activity 32063
intended to assist another individual in obtaining employment with 32064
a school district or chartered nonpublic school, or in obtaining 32065
employment with a county board of developmental disabilities in a 32066
position responsible for providing educational services to 32067
children from six through twenty-one years of age, other than 32068
transmitting administrative and personnel files to the prospective 32069
employer, if the school representative knows or has reasonable 32070
cause to believe that the individual has committed an offense 32071
listed in Chapter 2907. of the Revised Code, or a substantially 32072
comparable offense, involving a student. 32073

(C) Division (B) of this section shall not apply if the 32074
information on which the knowledge or reasonable cause is based 32075
has been reported to appropriate law enforcement authorities or, 32076

if applicable, to the appropriate public children services agency 32077
under section 2151.421 of the Revised Code and one of the 32078
following conditions is met: 32079

(1) Law enforcement authorities have investigated the alleged 32080
offense and determined that there is insufficient information to 32081
indict the individual for the alleged offense. 32082

(2) The individual has not been indicted for the alleged 32083
offense within four years after the date the alleged offense was 32084
reported to law enforcement authorities or a public children 32085
services agency. 32086

(3) The individual has been acquitted or otherwise exonerated 32087
of the offense. 32088

Sec. 3319.319. The appointing or hiring officer of a school 32089
district or school located in Ohio or another state may request 32090
from the department of education any report the department has 32091
received under sections 3314.40, 3319.313, 3326.24, 3328.19, or 32092
5126.253 of the Revised Code regarding an individual who is under 32093
consideration for employment by the district or school. If the 32094
department has received a report under any of those sections 32095
regarding the individual, the department shall provide the 32096
contents of the report to the requesting officer. Upon provision 32097
of the contents of the report to the requesting officer, the 32098
department shall notify the officer that the information provided 32099
is confidential and may not be disseminated to any other person or 32100
entity. 32101

If the department provides the contents of a report to an 32102
appointing or hiring officer under this section, the department 32103
shall document the information provided in the record of any 32104
investigation undertaken pursuant to section 3319.311 of the 32105
Revised Code based on the report. Such documentation shall include 32106
a list of the information provided, the date the information was 32107

provided, and the name and contact information of the appointing 32108
or hiring officer to whom the information was provided. 32109

Sec. 3319.39. (A)(1) Except as provided in division (F)(2)(b) 32110
of section 109.57 of the Revised Code, the appointing or hiring 32111
officer of the board of education of a school district, the 32112
governing board of an educational service center, or of a 32113
chartered nonpublic school shall request the superintendent of the 32114
bureau of criminal identification and investigation to conduct a 32115
criminal records check with respect to any applicant who has 32116
applied to the school district, educational service center, or 32117
school for employment in any position. The appointing or hiring 32118
officer shall request that the superintendent include information 32119
from the federal bureau of investigation in the criminal records 32120
check, unless all of the following apply to the applicant: 32121

(a) The applicant is applying to be an instructor of adult 32122
education. 32123

(b) The duties of the position for which the applicant is 32124
applying do not involve routine interaction with a child or 32125
regular responsibility for the care, custody, or control of a 32126
child or, if the duties do involve such interaction or 32127
responsibility, during any period of time in which the applicant, 32128
if hired, has such interaction or responsibility, another employee 32129
of the school district, educational service center, or chartered 32130
nonpublic school will be present in the same room with the child 32131
or, if outdoors, will be within a thirty-yard radius of the child 32132
or have visual contact with the child. 32133

(c) The applicant presents proof that the applicant has been 32134
a resident of this state for the five-year period immediately 32135
prior to the date upon which the criminal records check is 32136
requested or provides evidence that within that five-year period 32137
the superintendent has requested information about the applicant 32138

from the federal bureau of investigation in a criminal records 32139
check. 32140

(2) A person required by division (A)(1) of this section to 32141
request a criminal records check shall provide to each applicant a 32142
copy of the form prescribed pursuant to division (C)(1) of section 32143
109.572 of the Revised Code, provide to each applicant a standard 32144
impression sheet to obtain fingerprint impressions prescribed 32145
pursuant to division (C)(2) of section 109.572 of the Revised 32146
Code, obtain the completed form and impression sheet from each 32147
applicant, and forward the completed form and impression sheet to 32148
the superintendent of the bureau of criminal identification and 32149
investigation at the time the person requests a criminal records 32150
check pursuant to division (A)(1) of this section. 32151

(3) An applicant who receives pursuant to division (A)(2) of 32152
this section a copy of the form prescribed pursuant to division 32153
(C)(1) of section 109.572 of the Revised Code and a copy of an 32154
impression sheet prescribed pursuant to division (C)(2) of that 32155
section and who is requested to complete the form and provide a 32156
set of fingerprint impressions shall complete the form or provide 32157
all the information necessary to complete the form and shall 32158
provide the impression sheet with the impressions of the 32159
applicant's fingerprints. If an applicant, upon request, fails to 32160
provide the information necessary to complete the form or fails to 32161
provide impressions of the applicant's fingerprints, the board of 32162
education of a school district, governing board of an educational 32163
service center, or governing authority of a chartered nonpublic 32164
school shall not employ that applicant for any position. 32165

(4) Notwithstanding any provision of this section to the 32166
contrary, an applicant who meets the conditions prescribed in 32167
divisions (A)(1)(a) and (b) of this section and who, within the 32168
two-year period prior to the date of application, was the subject 32169
of a criminal records check under this section prior to being 32170

hired for short-term employment with the school district, 32171
educational service center, or chartered nonpublic school to which 32172
application is being made shall not be required to undergo a 32173
criminal records check prior to the applicant's rehiring by that 32174
district, service center, or school. 32175

(B)(1) Except as provided in rules adopted by the department 32176
of education in accordance with division (E) of this section and 32177
as provided in division (B)(3) of this section, no board of 32178
education of a school district, no governing board of an 32179
educational service center, and no governing authority of a 32180
chartered nonpublic school shall employ a person if the person 32181
previously has been convicted of or pleaded guilty to any of the 32182
following: 32183

(a) A violation of section 2903.01, 2903.02, 2903.03, 32184
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 32185
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 32186
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 32187
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 32188
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 32189
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 32190
2925.06, or 3716.11 of the Revised Code, a violation of section 32191
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 32192
violation of section 2919.23 of the Revised Code that would have 32193
been a violation of section 2905.04 of the Revised Code as it 32194
existed prior to July 1, 1996, had the violation been committed 32195
prior to that date, a violation of section 2925.11 of the Revised 32196
Code that is not a minor drug possession offense, or felonious 32197
sexual penetration in violation of former section 2907.12 of the 32198
Revised Code; 32199

(b) A violation of an existing or former law of this state, 32200
another state, or the United States that is substantially 32201
equivalent to any of the offenses or violations described in 32202

division (B)(1)(a) of this section. 32203

(2) A board, governing board of an educational service 32204
center, or a governing authority of a chartered nonpublic school 32205
may employ an applicant conditionally until the criminal records 32206
check required by this section is completed and the board or 32207
governing authority receives the results of the criminal records 32208
check. If the results of the criminal records check indicate that, 32209
pursuant to division (B)(1) of this section, the applicant does 32210
not qualify for employment, the board or governing authority shall 32211
release the applicant from employment. 32212

(3) No board and no governing authority of a chartered 32213
nonpublic school shall employ a teacher who previously has been 32214
convicted of or pleaded guilty to any of the offenses listed in 32215
section 3319.31 of the Revised Code. 32216

(C)(1) Each board and each governing authority of a chartered 32217
nonpublic school shall pay to the bureau of criminal 32218
identification and investigation the fee prescribed pursuant to 32219
division (C)(3) of section 109.572 of the Revised Code for each 32220
criminal records check conducted in accordance with that section 32221
upon the request pursuant to division (A)(1) of this section of 32222
the appointing or hiring officer of the board or governing 32223
authority. 32224

(2) A board and the governing authority of a chartered 32225
nonpublic school may charge an applicant a fee for the costs it 32226
incurs in obtaining a criminal records check under this section. A 32227
fee charged under this division shall not exceed the amount of 32228
fees the board or governing authority pays under division (C)(1) 32229
of this section. If a fee is charged under this division, the 32230
board or governing authority shall notify the applicant at the 32231
time of the applicant's initial application for employment of the 32232
amount of the fee and that, unless the fee is paid, the board or 32233
governing authority will not consider the applicant for 32234

employment. 32235

(D) The report of any criminal records check conducted by the 32236
bureau of criminal identification and investigation in accordance 32237
with section 109.572 of the Revised Code and pursuant to a request 32238
under division (A)(1) of this section is not a public record for 32239
the purposes of section 149.43 of the Revised Code and shall not 32240
be made available to any person other than the applicant who is 32241
the subject of the criminal records check or the applicant's 32242
representative, the board or governing authority requesting the 32243
criminal records check or its representative, and any court, 32244
hearing officer, or other necessary individual involved in a case 32245
dealing with the denial of employment to the applicant. 32246

(E) The department of education shall adopt rules pursuant to 32247
Chapter 119. of the Revised Code to implement this section, 32248
including rules specifying circumstances under which the board or 32249
governing authority may hire a person who has been convicted of an 32250
offense listed in division (B)(1) or (3) of this section but who 32251
meets standards in regard to rehabilitation set by the department. 32252
Any rules adopted by the department under this division regarding 32253
the employment of a person holding a ~~certificate~~, license, ~~or~~ 32254
~~permit described in this chapter or in division (B) of section~~ 32255
~~3301.071 or in section 3301.074~~ as defined in section 3319.31 of 32256
the Revised Code shall comply with ~~section 9.79 of the Revised~~ 32257
~~Code~~ all provisions of that section. 32258

The department shall amend rule 3301-83-23 of the Ohio 32259
Administrative Code that took effect August 27, 2009, and that 32260
specifies the offenses that disqualify a person for employment as 32261
a school bus or school van driver and establishes rehabilitation 32262
standards for school bus and school van drivers. 32263

(F) Any person required by division (A)(1) of this section to 32264
request a criminal records check shall inform each person, at the 32265
time of the person's initial application for employment, of the 32266

requirement to provide a set of fingerprint impressions and that a 32267
criminal records check is required to be conducted and 32268
satisfactorily completed in accordance with section 109.572 of the 32269
Revised Code if the person comes under final consideration for 32270
appointment or employment as a precondition to employment for the 32271
school district, educational service center, or school for that 32272
position. 32273

(G) As used in this section: 32274

(1) "Applicant" means a person who is under final 32275
consideration for appointment or employment in a position with a 32276
board of education, governing board of an educational service 32277
center, or a chartered nonpublic school, except that "applicant" 32278
does not include a person already employed by a board or chartered 32279
nonpublic school who is under consideration for a different 32280
position with such board or school. 32281

(2) "Teacher" means a person holding an educator license or 32282
permit issued under section 3319.22 or 3319.301 of the Revised 32283
Code and teachers in a chartered nonpublic school. 32284

(3) "Criminal records check" has the same meaning as in 32285
section 109.572 of the Revised Code. 32286

(4) "Minor drug possession offense" has the same meaning as 32287
in section 2925.01 of the Revised Code. 32288

(H) If the board of education of a local school district 32289
adopts a resolution requesting the assistance of the educational 32290
service center in which the local district has territory in 32291
conducting criminal records checks of substitute teachers and 32292
substitutes for other district employees under this section, the 32293
appointing or hiring officer of such educational service center 32294
shall serve for purposes of this section as the appointing or 32295
hiring officer of the local board in the case of hiring substitute 32296
teachers and other substitute employees for the local district. 32297

Sec. 3319.393. (A) Each school district and chartered nonpublic school shall include the following notice in boldface type in each employment application: "ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE."

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(B)(1) Each district and chartered nonpublic school shall consult the "educator profile" database maintained on the web site of the department of education prior to making any hiring decision.

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(2) After consulting the "educator profile" database, a district or chartered nonpublic school may further discern the employment, disciplinary, or criminal record of an applicant for employment in either or both of the following ways:

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(a) Consulting the office of professional conduct within the department of education in accordance with section 3319.319 of the Revised Code to determine whether the individual has been the subject of either:

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(i) Any notice to the department under section 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code;

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(ii) Any disciplinary actions conducted by the department.

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(b) Consulting any prior education-related employers of the individual.

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(3) A district or chartered nonpublic school may require additional background checks other than the criminal records checks authorized under sections 109.574 to 109.577 of the Revised Code or those required under section 3319.39 or 3319.391 of the Revised Code for any applicant for employment or potential volunteer.

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(C) A district or chartered nonpublic school may

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conditionally employ an individual pending the receipt of 32328
information sought in accordance with division (B)(2) of this 32329
section. Should that information indicate that the individual has 32330
engaged in conduct unbecoming to the teaching profession or has 32331
committed an offense that prevents, limits, or otherwise affects 32332
the applicant's employment with the district or school, the 32333
district or chartered nonpublic school may release the individual 32334
from employment. 32335

Sec. 3319.394. (A) When a complaint is filed against an 32336
employee of a school district or chartered nonpublic school 32337
alleging misconduct by that employee, the district or school shall 32338
conduct a review of the personnel file of that employee to 32339
determine if any recorded or reported instance of related 32340
misconduct or disciplinary actions are contained in that 32341
employee's file. 32342

(B)(1) If a school district or chartered nonpublic school 32343
receives a request for the personnel file of a current or former 32344
employee from a district or chartered nonpublic school to which 32345
the current or former employee has applied for employment, the 32346
district or chartered nonpublic school that receives the request 32347
shall send that file to the requestor within twenty business days 32348
of receiving the request for hiring purposes. 32349

(2) If the district or school receiving the request 32350
determines that it is not possible to send the file within twenty 32351
business days, that district or school shall promptly notify the 32352
requestor and indicate the reason the information cannot be sent 32353
within that time. 32354

Sec. 3319.40. (A) As used in this section, "license" has the 32355
same meaning as in section 3319.31 of the Revised Code. 32356

(B) If a person who is employed by a school district or 32357

chartered nonpublic school is arrested, summoned, or indicted for 32358
an alleged violation of an offense listed in division (C) of 32359
section 3319.31 of the Revised Code, if the person holds a 32360
license, or an offense listed in division (B)(1) of section 32361
3319.39 of the Revised Code, if the person does not hold a 32362
license, the superintendent of the district or the chief 32363
administrative officer of the chartered nonpublic school shall 32364
suspend that person from all duties that require the care, 32365
custody, or control of a child during the pendency of the criminal 32366
action against the person. If the person who is arrested, 32367
summoned, or indicted for an alleged violation of an offense 32368
listed in division (C) of section 3319.31 or division (B)(1) of 32369
section 3319.39 of the Revised Code is a person whose duties are 32370
assigned by the district treasurer under division (B) of section 32371
3313.31 of the Revised Code, the treasurer shall suspend the 32372
person from all duties that require the care, custody, or control 32373
of a child. If the person who is arrested, summoned, or indicted 32374
for an alleged violation of an offense listed in division (C) of 32375
section 3319.31 or division (B)(1) of section 3319.39 of the 32376
Revised Code is the superintendent or treasurer of the district, 32377
the district board shall suspend the superintendent or treasurer 32378
from all duties that require the care, custody, or control of a 32379
child. If the person who is arrested, summoned, or indicted for an 32380
alleged violation of an offense listed in division (C) of section 32381
3319.31 or division (B)(1) of section 3319.39 of the Revised Code 32382
is the chief administrative officer of the chartered nonpublic 32383
school, the governing authority of the chartered nonpublic school 32384
shall suspend the chief administrative officer from all duties 32385
that require the care, custody, or control of a child. 32386

(C) When a person who holds a license is suspended in 32387
accordance with this section, the superintendent, treasurer, board 32388
of education, chief administrative officer, or governing authority 32389
that imposed the suspension promptly shall report the person's 32390

suspension to the department of education. The report shall 32391
include the offense for which the person was arrested, summoned, 32392
or indicted. The superintendent of public instruction, on behalf 32393
of the state board of education, shall inactivate the person's 32394
license. The inactivation shall remain in force during the 32395
pendency of the criminal action against the person. The 32396
inactivation of a license under this division does not constitute 32397
a suspension or revocation of the license by the state board under 32398
section 3319.31 of the Revised Code and the state board and the 32399
state superintendent need not provide the person with an 32400
opportunity for a hearing with respect to the inactivation. If the 32401
state board does not take action against the person's license 32402
under section 3319.31 of the Revised Code, the state 32403
superintendent shall reactivate the license upon conclusion of the 32404
criminal action against the person. 32405

Sec. 3319.47. The school districts, public schools, and 32406
chartered nonpublic schools of this state may provide counseling 32407
to any victim of sexual harassment or sexually related conduct. 32408

Sec. 3319.57. (A) A grant program is hereby established under 32409
which the department of education shall award grants to assist 32410
certain schools in a city, exempted village, local, or joint 32411
vocational school district in implementing one of the following 32412
innovations: 32413

(1) The use of instructional specialists to mentor and 32414
support classroom teachers; 32415

(2) The use of building managers to supervise the 32416
administrative functions of school operation so that a school 32417
principal can focus on supporting instruction, providing 32418
instructional leadership, and engaging teachers as part of the 32419
instructional leadership team; 32420

- (3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions; 32421
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- (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day; 32425
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- (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching; 32428
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- (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 32432
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- (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 32437
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- (8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 32439
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- (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 32441
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- (10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 32444
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- (11) The implementation of a program to increase the subject matter competency of veteran teachers. 32446
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- (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 32448
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(1) Be hard to staff, as defined by the department. 32451

(2) Use existing school district funds for the implementation 32452
of the innovation in an amount equal to the grant amount 32453
multiplied by (1 - the district's state share ~~index~~ percentage for 32454
the fiscal year in which the grant is awarded). 32455

For purposes of division (B)(2) of this section, "state share 32456
~~index~~ percentage" has the same meaning as in section 3317.02 of 32457
the Revised Code. 32458

(C) The amount and number of grants awarded under this 32459
section shall be determined by the department based on any 32460
appropriations made by the general assembly for grants under this 32461
section. 32462

(D) The state board of education shall adopt rules for the 32463
administration of this grant program. 32464

Sec. 3319.61. (A) The educator standards board, in 32465
consultation with the chancellor of higher education, shall do all 32466
of the following: 32467

(1) Develop state standards for teachers and principals that 32468
reflect what teachers and principals are expected to know and be 32469
able to do at all stages of their careers. These standards shall 32470
be aligned with the statewide academic content standards for 32471
students adopted pursuant to section 3301.079 of the Revised Code, 32472
be primarily based on educator performance instead of years of 32473
experience or certain courses completed, and rely on 32474
evidence-based factors. These standards shall also be aligned with 32475
the operating standards adopted under division (D)(3) of section 32476
3301.07 of the Revised Code. 32477

(a) The standards for teachers shall reflect the following 32478
additional criteria: 32479

(i) Alignment with the interstate new teacher assessment and 32480

support consortium standards;	32481
(ii) Differentiation among novice, experienced, and advanced teachers;	32482 32483
(iii) Reliance on competencies that can be measured;	32484
(iv) Reliance on content knowledge, teaching skills, discipline-specific teaching methods, and requirements for professional development;	32485 32486 32487
(v) Alignment with a career-long system of professional development and evaluation that ensures teachers receive the support and training needed to achieve the teaching standards as well as reliable feedback about how well they meet the standards;	32488 32489 32490 32491
(vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;	32492 32493 32494 32495
(vii) The Ohio leadership framework.	32496
(b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.	32497 32498
(2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.	32499 32500 32501 32502 32503 32504 32505
(3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the	32506 32507 32508 32509 32510

association of school business officials international standards 32511
and the operating standards developed under division (D)(3) of 32512
section 3301.07 of the Revised Code. 32513

(4) Develop standards for the renewal of licenses under 32514
sections 3301.074 and 3319.22 of the Revised Code; 32515

(5) Develop standards for educator professional development; 32516

(6) Investigate and make recommendations for the creation, 32517
expansion, and implementation of school building and school 32518
district leadership academies; 32519

(7) Develop standards for school counselors that reflect what 32520
school counselors are expected to know and be able to do at all 32521
stages of their careers. The standards shall reflect knowledge of 32522
academic, personal, and social counseling for students and 32523
effective principles to implement an effective school counseling 32524
program. The standards also shall reflect Ohio-specific knowledge 32525
of career counseling for students and education options that 32526
provide flexibility for earning credit, such as earning units of 32527
high school credit using the methods adopted by the state board of 32528
education under division (J) of section 3313.603 of the Revised 32529
Code and earning college credit through the college credit plus 32530
program established under Chapter 3365. of the Revised Code and 32531
the career-technical education credit transfer criteria, policies, 32532
and procedures established under section 3333.162 of the Revised 32533
Code. The standards shall align with the American school counselor 32534
association's professional standards and the operating standards 32535
developed under division (D)(3) of section 3301.07 of the Revised 32536
Code. 32537

The superintendent of public instruction, the chancellor of 32538
higher education, or the education standards board itself may 32539
request that the educator standards board update, review, or 32540
reconsider any standards developed under this section. 32541

(B) The educator standards board shall incorporate indicators of cultural competency into the standards developed under division (A) of this section. For this purpose, the educator standards board shall develop a definition of cultural competency based upon content and experiences that enable educators to know, understand, and appreciate the students, families, and communities that they serve and skills for addressing cultural diversity in ways that respond equitably and appropriately to the cultural needs of individual students.

(C) In developing the standards under division (A) of this section, the educator standards board shall consider the impact of the standards on closing the achievement gap between students of different subgroups.

(D) In developing the standards under division (A) of this section, the educator standards board shall ensure both of the following:

(1) That teachers have sufficient knowledge to provide appropriate instruction for students identified as gifted pursuant to Chapter 3324. of the Revised Code and to assist in the identification of such students, and have sufficient knowledge that will enable teachers to provide learning opportunities for all children to succeed;

(2) That principals, superintendents, school treasurers, and school business managers have sufficient knowledge to provide principled, collaborative, foresighted, and data-based leadership that will provide learning opportunities for all children to succeed.

(E) The standards for educator professional development developed under division (A)(5) of this section shall include the following:

(1) Standards for the inclusion of local professional

development committees established under section 3319.22 of the Revised Code in the planning and design of professional development; 32573
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(2) Standards that address the crucial link between academic achievement and mental health issues. 32576
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(F) The educator standards board shall also perform the following functions: 32578
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(1) Monitor compliance with the standards developed under division (A) of this section and make recommendations to the state board of education for appropriate corrective action if such standards are not met; 32580
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 32584
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(3) Recommend policies to close the achievement gap between students of different subgroups; 32586
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(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 32588
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall 32590
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determine the number of criteria that a teacher shall satisfy to 32604
be recognized as a lead teacher, which shall not be the total 32605
number of criteria adopted by the board. 32606

(6) Develop model teacher and principal evaluation 32607
instruments and processes. The models shall be based on the 32608
standards developed under division (A) of this section. 32609

(7) Develop a method of measuring the academic improvement 32610
made by individual students during a one-year period and make 32611
recommendations for incorporating the measurement as one of 32612
multiple evaluation criteria into each of the following: 32613

(a) Eligibility for a professional educator license, senior 32614
professional educator license, lead professional educator license, 32615
or principal license issued under section 3319.22 of the Revised 32616
Code; 32617

(b) The Ohio teacher residency program established under 32618
section 3319.223 of the Revised Code; 32619

(c) The model teacher and principal evaluation instruments 32620
and processes developed under division (F)(6) of this section. 32621

(G) The educator standards board shall submit recommendations 32622
of standards developed under division (A) of this section to the 32623
state board of education not later than September 1, 2010. The 32624
state board of education shall review those recommendations at the 32625
state board's regular meeting that next succeeds the date that the 32626
recommendations are submitted to the state board. At that meeting, 32627
the state board of education shall vote to either adopt standards 32628
based on those recommendations or request that the educator 32629
standards board reconsider its recommendations. The state board of 32630
education shall articulate reasons for requesting reconsideration 32631
of the recommendations but shall not direct the content of the 32632
recommendations. The educator standards board shall reconsider its 32633
recommendations if the state board of education so requests, may 32634

revise the recommendations, and shall resubmit the 32635
recommendations, whether revised or not, to the state board not 32636
later than two weeks prior to the state board's regular meeting 32637
that next succeeds the meeting at which the state board requested 32638
reconsideration of the initial recommendations. The state board of 32639
education shall review the recommendations as resubmitted by the 32640
educator standards board at the state board's regular meeting that 32641
next succeeds the meeting at which the state board requested 32642
reconsideration of the initial recommendations and may adopt the 32643
standards as resubmitted or, if the resubmitted standards have not 32644
addressed the state board's concerns, the state board may modify 32645
the standards prior to adopting them. The final responsibility to 32646
determine whether to adopt standards as described in division (A) 32647
of this section and the content of those standards, if adopted, 32648
belongs solely to the state board of education. 32649

Sec. 3319.99. (A) Whoever violates division ~~(A)~~(B)(1) of 32650
section 3319.151 of the Revised Code is guilty of a minor 32651
misdemeanor. 32652

(B) Whoever violates division (H)(1) of section 3319.311 of 32653
the Revised Code is guilty of a misdemeanor of the first degree. 32654

(C) Whoever violates division (F) of section 3319.313 of the 32655
Revised Code shall be punished as follows: 32656

(1) Except as otherwise provided in division (C)(2) of this 32657
section, the person is guilty of a misdemeanor of the fourth 32658
degree. 32659

(2) The person is guilty of a misdemeanor of the first degree 32660
if both of the following conditions apply: 32661

(a) The employee who is the subject of the report that the 32662
person fails to submit was required to be reported for the 32663
commission or alleged commission of an act or offense involving 32664

the infliction on a child of any physical or mental wound, injury, 32665
disability, or condition of a nature that constitutes abuse or 32666
neglect of the child; 32667

(b) During the period between the violation of division (F) 32668
of section 3319.313 of the Revised Code and the conviction of or 32669
plea of guilty by the person for that violation, the employee who 32670
is the subject of the report that the person fails to submit 32671
inflicts on any child attending a school district, educational 32672
service center, public or nonpublic school, or county board of 32673
developmental disabilities where the employee works any physical 32674
or mental wound, injury, disability, or condition of a nature that 32675
constitutes abuse or neglect of the child. 32676

(D) Whoever violates division (B) or (D) of section 3319.317 32677
of the Revised Code is guilty of a misdemeanor of the first 32678
degree. 32679

Sec. 3324.05. (A) Each school district shall submit an annual 32680
report to the department of education specifying the number of 32681
students in each of grades kindergarten through twelve screened, 32682
the number assessed, and the number identified as gifted and 32683
served in each category specified in section 3324.03 of the 32684
Revised Code. 32685

(B) Not later than the thirty-first day of October of each 32686
year, the department shall publish both of the following using 32687
data submitted by school districts under the education management 32688
information system established under section 3301.0714 of the 32689
Revised Code: 32690

(1) Services offered by each school district to students 32691
identified as gifted in each of the following grade bands: 32692

(a) Kindergarten through third grade; 32693

(b) Fourth through eighth grade; 32694

<u>(c) Ninth through twelfth grade.</u>	32695
<u>(2) The number of licensed gifted intervention specialists and coordinators employed or contracted by each school district.</u>	32696 32697
<u>(C)</u> The department of education shall audit each school district's identification <u>and service</u> numbers at least once every three years and may select any district at random or upon complaint or suspicion of noncompliance for a further audit to determine compliance with sections 3324.03 to 3324.06 of the Revised Code.	32698 32699 32700 32701 32702 32703
(C) <u>(D)</u> The department shall provide technical assistance to any district found in noncompliance under division (B) <u>(C)</u> of this section. The department may <u>shall</u> reduce funds received by the district under Chapter 3317. of the Revised Code by any amount if the district continues to be noncompliant.	32704 32705 32706 32707 32708
Sec. 3324.09. Not later than the thirtieth day of October of each year, the department of education shall publish on its web site each school district's expenditures for the previous fiscal year of the <u>funds received for the previous fiscal year by each school district</u> under division (A)(7) <u>(A)(6)</u> of section 3317.022 of the Revised Code for the identification of and services provided to the district's gifted students <u>and each district's expenditures of those funds.</u>	32709 32710 32711 32712 32713 32714 32715 32716
Sec. 3326.02. There is hereby established the STEM committee of the department of education consisting of the following members:	32717 32718 32719
(A) The superintendent of public instruction, <u>or the superintendent's designee;</u>	32720 32721
(B) The chancellor of the Ohio board of regents <u>higher education, or the chancellor's designee;</u>	32722 32723

(C) The director of development, or the director's designee; 32724

(D) Four members of the public, two of whom shall be 32725
appointed by the governor, one of whom shall be appointed by the 32726
speaker of the house of representatives, and one of whom shall be 32727
appointed by the president of the senate. Members of the public 32728
shall be appointed based on their expertise in business or in STEM 32729
fields. ~~The initial members of the committee shall be appointed~~ 32730
~~under division (D) of this section not later than forty five days~~ 32731
~~after June 30, 2007.~~ 32732

All members of the committee appointed under division (D) of 32733
this section shall serve at the pleasure of their appointing 32734
authority. 32735

If a member listed in divisions (A) to (C) of this section 32736
elects to assign a designee to participate in committee business 32737
on the member's behalf, the member shall assign that designation 32738
to a single person for the time period in which the designation is 32739
effective. 32740

Members of the committee shall receive no compensation for 32741
their services. The department of education shall provide 32742
administrative support for the committee. 32743

Sec. 3326.03. (A) The STEM committee shall authorize the 32744
establishment of ~~and award grants to~~ science, technology, 32745
engineering, and mathematics schools based on proposals submitted 32746
to the committee. 32747

The committee shall determine the criteria for proposals, 32748
establish procedures for the submission of proposals, accept and 32749
evaluate proposals, and choose which proposals to approve to 32750
become a STEM school. In approving proposals for STEM schools, the 32751
committee shall consider ~~locating the~~ designating schools in 32752
diverse geographic regions of the state so that all students have 32753

access to a STEM school. 32754

The committee shall seek technical assistance from the Ohio 32755
STEM learning network, or its successor, throughout the process of 32756
accepting and evaluating proposals and choosing which proposals to 32757
approve. In approving proposals for STEM schools, the committee 32758
shall consider the recommendations of the Ohio STEM learning 32759
network, or its successor. 32760

The committee may authorize the establishment of a group of 32761
multiple STEM schools to operate from multiple facilities located 32762
in one or more school districts under the direction of a single 32763
governing body in the manner prescribed by section 3326.031 of the 32764
Revised Code. The committee shall consider the merits of each of 32765
the proposed STEM schools within a group and shall authorize each 32766
school separately. Anytime after authorizing a group of STEM 32767
schools to be under the direction of a single governing body, ~~upon~~ 32768
~~a proposal from the governing body,~~ the committee may authorize 32769
one or more additional schools to operate as part of that group, 32770
provided a proposal for each school is submitted in accordance 32771
with this section. 32772

The STEM committee may approve one or more STEM schools to 32773
serve only students identified as gifted under Chapter 3324. of 32774
the Revised Code. 32775

(B) Proposals may be submitted only by a partnership of 32776
public and private entities consisting of at least all of the 32777
following: 32778

(1) A city, exempted village, or local, ~~or joint vocational~~ 32779
school district ~~or an educational service center;~~ 32780

(2) Higher education entities; 32781

(3) Business organizations. 32782

A community school established under Chapter 3314. of the 32783

Revised Code, a chartered nonpublic school, or both may be part of 32784
the partnership. 32785

(C) Each proposal shall include at least the following: 32786

(1) A statement of which of grades kindergarten through 32787
twelve will be offered by the school; 32788

(2) Assurances that the STEM school or group of STEM schools 32789
will be under the oversight of a governing body and a description 32790
of the members of that governing body and how they will be 32791
selected; 32792

~~(2)~~(3) Assurances that each STEM school will operate in 32793
compliance with this chapter and the provisions of the proposal as 32794
accepted by the committee and that the school will maintain the 32795
STEM education practices set forth in the proposal; 32796

~~(3)~~(4) Evidence that each school will exhibit school-wide 32797
cultural strategies reflecting innovation, an entrepreneurial 32798
spirit, inquiry, and collaboration with individual accountability; 32799

(5) Evidence that each school will offer a rigorous, diverse, 32800
integrated, and problem- or project-based curriculum to all 32801
students ~~in any of grades kindergarten through twelve~~ enrolled in 32802
the school, with the goal to prepare ~~those~~ all students for 32803
college post-high school learning experiences, the workforce, and 32804
citizenship, and that does all of the following: 32805

(a) Emphasizes and supports the role of science, technology, 32806
engineering, and mathematics in promoting innovation and economic 32807
progress; 32808

(b) ~~Incorporates scientific inquiry and technological design~~ 32809
Emphasizes the use of design thinking as a school-wide approach; 32810

(c) Provides opportunities for students to engage in 32811
personalized learning; 32812

(d) Includes the arts and humanities. If the proposal is for 32813

a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

~~(d) Emphasizes personalized learning and teamwork skills.~~

~~(4)(6)~~ Evidence that each school will attract school leaders who support leadership supports the curriculum principles of division ~~(C)(3)~~ (C)(5) of this section;

~~(5)(7)~~ A description of how each school's curriculum ~~will be~~ was developed using the curriculum principles described in division (C)(5) of this section and approved by a team in accordance with section 3326.09 of the Revised Code;

~~(6)(8)~~ Evidence that each school will ~~utilize an established~~ capacity to capture and share knowledge for best practices and innovative professional development with the Ohio STEM learning network, or its successor participate in regular STEM-focused professional development and share knowledge of best practices;

~~(7)(9)~~ Evidence that each school will ~~operate in~~ collaboration with a partnership that includes has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence ~~that this partnership will include~~ of established partnerships with one or more arts organizations.

~~(8)(10)~~ Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations.

~~(9)(11)~~ A description of how each school's assets will be

distributed if the school closes for any reason. 32845

(D) A STEM school that is designated under this section may 32846
submit an amended proposal to the STEM committee at any time to 32847
offer additional grade levels. Upon approval of the amended 32848
proposal by the committee, those grades may be offered by the 32849
school. 32850

(E)(1) If a school is designated as a STEM school under this 32851
section, it shall maintain that designation for five years unless 32852
the STEM committee revokes its designation during that five-year 32853
period under division (F) of this section. At the end of that 32854
five-year period, the school shall reapply to the STEM committee 32855
in order to maintain that designation. The committee shall 32856
authorize the continuation of the school's STEM designation if the 32857
committee finds that the school is in compliance with this chapter 32858
and the provisions of its proposal and any subsequent amendments 32859
to that proposal. 32860

If a school chooses not to reapply for designation as a STEM 32861
school under division (E)(1) of this section, the committee shall 32862
revoke the school's designation at the end of its five-year 32863
designation period. 32864

(2) If a school reapplies for its designation as a STEM 32865
school under division (E)(1) of this section and the committee has 32866
reason to believe that it is not in compliance with this chapter 32867
or the provisions of its proposal and any subsequent amendments to 32868
that proposal, the committee shall require the school, in 32869
collaboration with the department of education and the Ohio STEM 32870
learning network or its successor, to develop a corrective action 32871
plan. The school shall implement the corrective action plan and 32872
demonstrate exemplary STEM pedagogy and practices within one year 32873
of the plan's development. If the school fails to implement the 32874
corrective action plan to the satisfaction of the committee at the 32875
end of that year, the committee shall revoke the school's 32876

designation. 32877

(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 32878
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 32881
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(G) If a STEM school wishes to become a STEAM school, it may change its existing proposal to include the items required under divisions ~~(C)(3)(e)~~ (C)(5)(d), ~~(C)(7)~~, and ~~(C)(8)~~ (C)(9), and (C)(10) of this section and submit the revised proposal to the STEM committee for approval. 32894
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(H) Notwithstanding division (B)(1) of this section, on and after the effective date of this amendment, a school operated by a joint vocational school district that was designated as a STEM school prior to that date may maintain that designation provided the school continues to comply with this chapter and all provisions of its proposal and any subsequent amendments to that proposal. However, nothing shall prohibit that school from electing to apply for distinction as a STEM program of excellence under section 3326.04 of the Revised Code. 32899
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Sec. 3326.032. (A) The STEM committee may grant a designation 32908
of STEM school equivalent to a community school established under 32909
Chapter 3314. of the Revised Code, ~~to a career center,~~ or to a 32910
chartered nonpublic school. In order to be eligible for this 32911
designation, a community school, ~~a career center,~~ or chartered 32912
nonpublic school shall submit a proposal that satisfies the 32913
requirements of this section. 32914

The committee shall determine the criteria for proposals, 32915
establish procedures for the submission of proposals, accept and 32916
evaluate proposals, and choose which proposals warrant a community 32917
school, ~~career center,~~ or chartered nonpublic school to be 32918
designated as a STEM school equivalent. 32919

(B) A proposal for designation as a STEM school equivalent 32920
shall include at least the following: 32921

(1) ~~Assurances that the community school, career center, or~~ 32922
~~chartered nonpublic school submitting the proposal has a working~~ 32923
~~partnership with both public and private entities, including~~ 32924
~~higher education entities and business organizations. If the~~ 32925
~~proposal is for a STEAM school equivalent, it also shall include~~ 32926
~~evidence that this partnership includes arts organizations. A~~ 32927
statement of which of grades kindergarten through twelve will be 32928
offered by the school; 32929

(2) Assurances that the school ~~or career center~~ submitting 32930
the proposal will operate in compliance with this section and the 32931
provisions of the proposal as accepted by the committee and that 32932
the school will maintain the STEM education practices set forth in 32933
the proposal; 32934

(3) Evidence that the school submitting the proposal will 32935
exhibit school-wide cultural strategies reflecting innovation, an 32936
entrepreneurial spirit, inquiry, and collaboration with individual 32937
accountability; 32938

~~(4)~~ Evidence that the school ~~or career center~~ submitting the proposal will offer a rigorous, diverse, integrated, and problem-
or project-based curriculum to all students ~~in any of grades~~
~~kindergarten through twelve~~ enrolled in the school, with the goal
to prepare ~~those~~ all students for college post-secondary learning
experiences, the workforce, and citizenship, and that does all of
the following:

(a) Emphasizes and supports the role of science, technology,
engineering, and mathematics in promoting innovation and economic
progress;

~~(b) Incorporates scientific inquiry and technological design~~
Emphasizes the use of design thinking as a school-wide approach;

(c) Provides opportunities for students to engage in
personalized learning;

(d) Includes the arts and humanities. If the proposal is for
a STEAM school equivalent, it also shall include evidence that the
curriculum will integrate arts and design into the study of
science, technology, engineering, and mathematics to foster
creative thinking, problem-solving, and new approaches to
scientific invention.

~~(d) Emphasizes personalized learning and teamwork skills.~~

~~(4)(5)~~ Evidence that the school ~~or career center~~ submitting
the proposal will attract school leaders who support leadership
supports the curriculum principles of division ~~(B)(3)~~ (B)(4) of
this section;

~~(5)(6)~~ A description of how ~~each~~ the school's ~~or career~~
~~center's~~ curriculum ~~will be~~ was developed using the principles of
division (B)(4) of this section and approved by a team in
accordance with section 3326.09 of the Revised Code;

~~(6)(7)~~ Evidence that the school ~~or career center~~ submitting

the proposal will ~~utilize an established capacity to capture and~~ 32969
~~share knowledge for best practices and innovative professional~~ 32970
~~development~~ participate in regular professional development and 32971
share knowledge of best practices; 32972

~~(7)~~(8) Evidence that the school submitting the proposal has 32973
established partnerships with institutions of higher education and 32974
businesses. If the proposal is for a STEAM school equivalent, it 32975
also shall include evidence of established partnerships with one 32976
or more arts organizations. 32977

(9) Assurances that the school ~~or career center~~ submitting 32978
the proposal has received commitments of sustained and verifiable 32979
fiscal and in-kind support from regional education and business 32980
entities. If the proposal is for a STEAM school equivalent, it 32981
also shall include assurances that the school ~~or career center~~ has 32982
received commitments of sustained and verifiable fiscal and 32983
in-kind support from arts organizations. 32984

(C)(1) If a school is designated as a STEM school equivalent 32985
under this section, it shall maintain that designation for five 32986
years unless the STEM committee revokes its designation during 32987
that five-year period under division (D) of this section. At the 32988
end of that five-year period, the school shall reapply to the STEM 32989
committee in order to maintain that designation. The committee 32990
shall authorize the continuation of the school's designation as a 32991
STEM school equivalent if the committee finds that the school is 32992
in compliance with this chapter and the provisions of its proposal 32993
and any subsequent amendments to that proposal. 32994

If a school chooses not to reapply for designation as a STEM 32995
school equivalent under division (C)(1) of this section, the 32996
committee shall revoke the school's designation at the end of its 32997
five-year designation period. 32998

(2) If a school reapplies for its designation as a STEM 32999

school equivalent under division (C)(1) of this section and the 33000
committee has reason to believe that it is not in compliance with 33001
this chapter or the provisions of its proposal and any subsequent 33002
amendments to that proposal, the committee shall require the 33003
school, in collaboration with the department of education and the 33004
Ohio STEM learning network or its successor, to develop a 33005
corrective action plan. The school shall implement the corrective 33006
action plan and demonstrate exemplary STEM pedagogy and practices 33007
within one year of the plan's development. If the school fails to 33008
implement the corrective action plan to the satisfaction of the 33009
committee at the end of that year, the committee shall revoke the 33010
school's designation. 33011

(3) The department shall maintain records of the application 33012
status and designation renewal deadlines for each school that has 33013
been designated as a STEM school equivalent under this section. 33014

(D) If the STEM committee has reason to believe that a school 33015
that is designated as a STEM school equivalent under this section 33016
is not in compliance with this chapter or the provisions of its 33017
proposal and any subsequent amendments to that proposal, it may 33018
review the school's designation prior to the end of its five-year 33019
designation period. If the committee reviews a school's 33020
designation under this division, it must require the school to 33021
develop a corrective action plan in the same manner as specified 33022
in division (C)(2) of this section and implement that plan and 33023
demonstrate exemplary STEM pedagogy and practices within one year 33024
of the plan's development. If the school fails to implement the 33025
corrective action plan to the satisfaction of the committee at the 33026
end of that year, the committee shall revoke the school's 33027
designation. 33028

(E) A community school, ~~career center~~, or chartered nonpublic 33029
school that is designated as a STEM school equivalent under this 33030
section shall not be subject to the requirements of Chapter 3326. 33031

of the Revised Code, except that the school ~~or career center~~ shall 33032
be subject to the requirements of this section and to the 33033
curriculum requirements of section 3326.09 of the Revised Code. 33034

Nothing in this section, however, shall relieve a community 33035
school of the applicable requirements of Chapter 3314. of the 33036
Revised Code. Nor shall anything in this section relieve a 33037
chartered nonpublic school of any provisions of law outside of 33038
this chapter that are applicable to chartered nonpublic schools. 33039

(2) A community school, ~~career center~~, or chartered nonpublic 33040
school that is designated as a STEM school equivalent under this 33041
section shall not be eligible for operating funding under sections 33042
3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 of the Revised 33043
Code. 33044

(3) A community school, ~~career center~~, or chartered nonpublic 33045
school that is designated as a STEM school equivalent under this 33046
section may apply for any of the grants and additional funds 33047
described in section 3326.38 of the Revised Code for which the 33048
school ~~or career center~~ is eligible. 33049

~~(D)~~(F) If a community school, ~~a career center~~, or chartered 33050
nonpublic school that is designated as a STEM school equivalent 33051
under this section intends to close or intends to no longer be 33052
designated as a STEM school equivalent, it shall notify the STEM 33053
committee of that fact. 33054

~~(E)~~(G) If a community school, ~~a career center~~, or chartered 33055
nonpublic school that is designated as a STEM school equivalent 33056
wishes to be designated as a STEAM school equivalent, it may 33057
change its existing proposal to include the items required under 33058
divisions ~~(B)(1), (B)(3)(c)~~ (B)(4)(d), (B)(8), and (B)(7) (B)(9) 33059
of this section and submit the revised proposal to the STEM 33060
committee for approval. 33061

~~(F) As used in this section, "career center" means a school~~ 33062

~~building that enrolls students in any of grades nine through 33063
twelve and in which a career technical planning district, as 33064
defined in section 3317.023 of the Revised Code, provides 33065
career technical education services that meet standards adopted by 33066
the state board of education. 33067~~

Sec. 3326.04. (A) The STEM committee shall ~~award grants to 33068
support the operation of grant distinctions as STEM programs of 33069
excellence to serve students in any of grades kindergarten through 33070
twelve through a request for proposals to STEM programs operated 33071
by joint vocational school districts and educational service 33072
centers in accordance with this section. 33073~~

~~(B) Proposals may be submitted by any of the following: 33074~~

~~(1) The board of education of a city, exempted village, or 33075
local school district; 33076~~

~~(2) The governing authority of a community school established 33077
under Chapter 3314. of the Revised Code; 33078~~

~~(3) The governing authority of a chartered nonpublic school. 33079~~

~~(C) Each A joint vocational school district or educational 33080
service center may submit a proposal to the STEM committee seeking 33081
distinction as a STEM program of excellence. The proposal shall 33082
demonstrate to the satisfaction of the STEM committee that the 33083
program meets at least the following standards: 33084~~

~~(1) Unless the program is designed to serve only students 33085
identified as gifted under Chapter 3324. of the Revised Code, the 33086
program will serve all students enrolled ~~in the district or school 33087
in the grades for which the program is designed. 33088~~~~

~~(2) The program will offer a rigorous and diverse curriculum 33089
that is based on scientific inquiry and technological design, that 33090
emphasizes personalized learning and teamwork skills, and that 33091
will expose students to advanced scientific concepts within and 33092~~

~~outside the classroom. If the proposal is for a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the curriculum to foster creative thinking, problem solving, and new approaches to scientific invention.~~ 33093
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~~(3) Unless the program is designed to serve only students identified as gifted under Chapter 3324. of the Revised Code, the program will not limit participation of students on the basis of intellectual ability, measures of achievement, or aptitude.~~ 33098
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~~(4) The program will utilize an established capacity to capture and share knowledge for best practices and innovative professional development.~~ 33102
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~~(5) The program will operate in collaboration with a partnership that includes institutions of higher education and businesses. If the proposal is for a STEAM program of excellence, it also shall include evidence that this partnership includes arts organizations.~~ 33105
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~~(6) The program will include teacher professional development strategies that are augmented by community and business partners~~ 33110
~~The program will provide students with the opportunity to~~ 33111
~~innovate, develop an entrepreneurial spirit, engage in inquiry,~~ 33112
~~and collaborate with individual accountability.~~ 33113
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(3) The program will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to students, with the goal to prepare students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following: 33115
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(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress; 33120
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(b) Emphasizes the use of design thinking as a school-wide 33123

<u>approach;</u>	33124
<u>(c) Provides opportunities for students to engage in</u>	33125
<u>personalized learning;</u>	33126
<u>(d) Includes the arts and humanities. If the proposal is for</u>	33127
<u>distinction as a STEAM program of excellence, it also shall</u>	33128
<u>include evidence that the curriculum will integrate arts and</u>	33129
<u>design into the study of science, technology, engineering, and</u>	33130
<u>mathematics to foster creative thinking, problem-solving, and new</u>	33131
<u>approaches to scientific invention.</u>	33132
<u>(4) The district or service center leadership supports the</u>	33133
<u>curriculum principles of division (B)(3) of this section.</u>	33134
<u>(5) The program's leaders participate in regular STEM-focused</u>	33135
<u>professional development and share knowledge of best practices.</u>	33136
<u>(6) The program has established partnerships with</u>	33137
<u>institutions of higher education and businesses. If the proposal</u>	33138
<u>is for distinction as a STEAM program of excellence, it also shall</u>	33139
<u>include evidence of established partnerships with one or more arts</u>	33140
<u>organizations.</u>	33141
<u>(7) The program has received commitments of sustained and</u>	33142
<u>verifiable fiscal and in-kind support from regional education and</u>	33143
<u>business entities. If the proposal is for distinction as a STEAM</u>	33144
<u>program of excellence, the program also has received commitments</u>	33145
<u>of sustained and verifiable fiscal and in-kind support from arts</u>	33146
<u>organizations.</u>	33147
(D) The STEM committee shall give priority to proposals for	33148
new or expanding innovative programs <u>(C)(1) If a joint vocational</u>	33149
<u>school district or educational service center receives a</u>	33150
<u>distinction as a STEM program of excellence under this section, it</u>	33151
<u>shall maintain that distinction for five years unless the STEM</u>	33152
<u>committee revokes the distinction during that five-year period</u>	33153
<u>under division (E) of this section. At the end of that five-year</u>	33154

period, the district or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's or service center's distinction as a STEM program of excellence if the committee finds that the district or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal. 33155
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If a joint vocational school district or educational service center chooses not to reapply for a distinction for a STEM program of excellence under division (C)(1) of this section, the committee shall revoke the district's or service center's distinction at the end of its five-year period of distinction. 33162
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(2) If a joint vocational school district or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the district or service center, in collaboration with the department of education and the Ohio STEM learning network or its successor, to develop a corrective action plan. The district or service center shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the district or service center fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the district's or service center's distinction. 33167
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(3) The department shall maintain records of the application status and designation renewal deadlines for each joint vocational school district or educational service center that has received a distinction as a STEM program of excellence under this section. 33182
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(D) If the STEM committee has reason to believe that a joint 33186

vocational school district or educational service center that has 33187
received a distinction as a STEM program of excellence under this 33188
section is not in compliance with this chapter or the provisions 33189
of its proposal and any subsequent amendments to that proposal, it 33190
may review the district's or service center's distinction prior to 33191
the end of the five-year period during which that distinction is 33192
effective. If the committee reviews a district's or service 33193
center's distinction under this division, it must require the 33194
district or service center to develop a corrective action plan in 33195
the same manner as specified in division (C)(2) of this section 33196
and implement that plan and demonstrate exemplary STEM pedagogy 33197
and practices within one year of the plan's development. If the 33198
district or service center fails to implement the corrective 33199
action plan to the satisfaction of the committee at the end of 33200
that year, the committee shall revoke the district's or service 33201
center's distinction. 33202

(E) If a joint vocational school district or educational 33203
service center that has received distinction for a STEM program of 33204
excellence instead wishes to become a receive a distinction for a 33205
STEAM program of excellence, it may change its existing proposal 33206
to include the items required under divisions ~~(C)(2)~~ (B)(3)(d), 33207
~~(B)(6)~~, and ~~(C)(5)~~ (B)(7) of this section and submit the revised 33208
proposal to the STEM committee for approval. 33209

Sec. 3326.07. Each science, technology, engineering, and 33210
mathematics school established under this chapter is a public 33211
school, is part of the state's program of education, may contract 33212
for any services necessary for the operation of the school, and 33213
may continue in operation for as long as the school is in 33214
compliance with the provisions of this chapter and with the 33215
proposal for its establishment as approved by the STEM committee. 33216
If the school closes for any reason, its assets shall be 33217
distributed in the manner provided in the proposal for its 33218

establishment as required by division ~~(C)(9)~~ (C)(11) of section 33219
3326.03 of the Revised Code. 33220

Sec. 3326.08. (A) The governing body of each science, 33221
technology, engineering, and mathematics school shall engage the 33222
services of administrative officers, teachers, and nonteaching 33223
employees of the STEM school necessary for the school to carry out 33224
its mission and shall oversee the operations of the school. The 33225
governing body of each STEM school shall engage the services of a 33226
chief administrative officer to serve as the school's 33227
instructional and administrative leader. The chief administrative 33228
officer shall be granted the authority to oversee the recruitment, 33229
retention, and employment of teachers and nonteaching employees. 33230

(B) The department of education shall monitor the oversight 33231
of each STEM school exercised by the school's governing body and 33232
shall monitor the school's compliance with this chapter and with 33233
the proposal for the establishment of the school as it was 33234
approved by the STEM committee under section ~~3326.04~~ 3326.03 of 33235
the Revised Code. If Except in the case of a STEM school that is 33236
governed and controlled by a school district in accordance with 33237
section 3326.51 of the Revised Code, if the department finds that 33238
the school is not in compliance with this chapter or with the 33239
proposal and the STEM committee has revoked the school's STEM 33240
designation under division (E)(1) or (2) or (F) of section 3326.03 33241
of the Revised Code, the department shall consult with the STEM 33242
committee, and the committee ~~may~~ shall order the school to close 33243
on the last day of the school year in which the committee issues 33244
its order. 33245

(C) The governing body of each STEM school shall comply with 33246
sections 121.22 and 149.43 of the Revised Code. 33247

Sec. 3326.081. (A) As used in this section, "license" has the 33248

same meaning as in section 3319.31 of the Revised Code. 33249

(B) If a person who is employed by a science, technology, 33250
engineering, and mathematics school established under this chapter 33251
is arrested, summoned, or indicted for an alleged violation of an 33252
offense listed in division (C) of section 3319.31 of the Revised 33253
Code, if the person holds a license, or an offense listed in 33254
division (B)(1) of section 3319.39 of the Revised Code, if the 33255
person does not hold a license, the chief administrative officer 33256
of the school shall suspend that person from all duties that 33257
require the care, custody, or control of a child during the 33258
pendency of the criminal action against the person. If the person 33259
who is arrested, summoned, or indicted for an alleged violation of 33260
an offense listed in division (C) of section 3319.31 or division 33261
(B)(1) of section 3319.39 of the Revised Code is the chief 33262
administrative officer of the school, the governing body of the 33263
school shall suspend the chief administrative officer from all 33264
duties that require the care, custody, or control of a child. 33265

(C) When a person who holds a license is suspended in 33266
accordance with this section, the chief administrative officer or 33267
governing body that imposed the suspension promptly shall report 33268
the person's suspension to the department of education. The report 33269
shall include the offense for which the person was arrested, 33270
summoned, or indicted. The superintendent of public instruction, 33271
on behalf of the state board of education, shall inactivate the 33272
person's license. The inactivation shall remain in force during 33273
the pendency of the criminal action against the person. The 33274
inactivation of a license under this division does not constitute 33275
a suspension or revocation of the license by the state board under 33276
section 3319.31 of the Revised Code and the state board and the 33277
state superintendent need not provide the person with an 33278
opportunity for a hearing with respect to the inactivation. If the 33279
state board does not take action against the person's license 33280

under section 3319.31 of the Revised Code, the state 33281
superintendent shall reactivate the license upon conclusion of the 33282
criminal action against the person. 33283

Sec. 3326.11. Each science, technology, engineering, and 33284
mathematics school established under this chapter and its 33285
governing body shall comply with sections 9.90, 9.91, 109.65, 33286
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 33287
3301.0714, 3301.0715, 3301.0729, 3301.232, 3301.948, 3313.14, 33288
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 33289
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 33290
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6021, 33291
3313.6024, 3313.6025, 3313.6026, 3313.61, 3313.611, 3313.614, 33292
3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 33293
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 33294
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 33295
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 33296
3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 33297
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 33298
3319.078, 3319.0812, 3319.21, 3319.318, 3319.32, 3319.321, 33299
3319.35, 3319.39, 3319.391, 3319.393, 3319.394, 3319.41, 3319.45, 33300
3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 33301
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 33302
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 33303
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 33304
4112., 4123., 4141., and 4167. of the Revised Code as if it were a 33305
school district. 33306

Sec. 3326.14. Each science, technology, engineering, and 33307
mathematics school and its governing body shall administer the 33308
assessments required by sections 3301.0710, 3301.0711, and 33309
3301.0712 of the Revised Code, as if it were a school district, 33310
~~except that, notwithstanding any provision of those sections to~~ 33311

~~the contrary, any student enrolled in a grade lower than the tenth 33312
grade in a STEM school may take one or more of the Ohio graduation 33313
tests prescribed under division (B)(1) of section 3301.0710 of the 33314
Revised Code on any of the dates prescribed for that assessment. 33315~~

Sec. 3326.23. This section does not apply to any science, 33316
technology, engineering, and mathematics school that is governed 33317
and controlled by a school district in accordance with section 33318
3326.51 of the Revised Code on or after the effective date of this 33319
amendment. 33320

The governing body of each science, technology, engineering, 33321
and mathematics school annually shall provide the following 33322
assurances in writing to the department of education not later 33323
than ten business days prior to the opening of the school: 33324

(A) That the school has a plan for providing special 33325
education and related services to students with disabilities and 33326
has demonstrated the capacity to provide those services in 33327
accordance with Chapter 3323. of the Revised Code and federal law; 33328

(B) That the school has a plan and procedures for 33329
administering the achievement and diagnostic assessments 33330
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 33331
Revised Code; 33332

(C) That school personnel have the necessary training, 33333
knowledge, and resources to properly use and submit information to 33334
all databases maintained by the department for the collection of 33335
education data, including the education management information 33336
system established under section 3301.0714 of the Revised Code; 33337

(D) That all required information about the school has been 33338
submitted to the Ohio education directory system or any successor 33339
system; 33340

(E) That all classroom teachers are licensed in accordance 33341

with sections 3319.22 to 3319.31 of the Revised Code or are	33342
engaged to teach pursuant to section 3319.301 of the Revised Code;	33343
(F) That the school's treasurer is in compliance with section	33344
3326.21 of the Revised Code;	33345
(G) That the school has complied with sections 3319.39 and	33346
3319.391 of the Revised Code with respect to all employees and	33347
that the school has conducted a criminal records check of each of	33348
its governing body members;	33349
(H) That the school holds all of the following:	33350
(1) Proof of property ownership or a lease for the facilities	33351
used by the school;	33352
(2) A certificate of occupancy;	33353
(3) Liability insurance for the school, as required by	33354
section 3326.11 of the Revised Code;	33355
(4) A satisfactory health and safety inspection;	33356
(5) A satisfactory fire inspection;	33357
(6) A valid food permit, if applicable.	33358
(I) That the governing body has conducted a pre-opening site	33359
visit to the school for the school year for which the assurances	33360
are provided;	33361
(J) That the school has designated a date it will open for	33362
the school year for which the assurances are provided;	33363
(K) That the school has met all of the governing body's	33364
requirements for opening and any other requirements of the	33365
governing body.	33366
Sec. 3326.31. As used in sections 3326.31 to 3326.50 of the	33367
Revised Code:	33368
(A)(1) "Category one career-technical education student"	33369

means a student who is receiving the career-technical education 33370
services described in division (A)(1) of section 3317.014 of the 33371
Revised Code. 33372

(2) "Category two career-technical student" means a student 33373
who is receiving the career-technical education services described 33374
in division ~~(B)~~ (A)(2) of section 3317.014 of the Revised Code. 33375

(3) "Category three career-technical student" means a student 33376
who is receiving the career-technical education services described 33377
in division ~~(C)~~ (A)(3) of section 3317.014 of the Revised Code. 33378

(4) "Category four career-technical student" means a student 33379
who is receiving the career-technical education services described 33380
in division ~~(D)~~ (A)(4) of section 3317.014 of the Revised Code. 33381

(5) "Category five career-technical education student" means 33382
a student who is receiving the career-technical education services 33383
described in division ~~(E)~~ (A)(5) of section 3317.014 of the 33384
Revised Code. 33385

(B)(1) "Category one English learner" means an English 33386
learner described in division (A) of section 3317.016 of the 33387
Revised Code. 33388

(2) "Category two English learner" means an English learner 33389
described in division (B) of section 3317.016 of the Revised Code. 33390

(3) "Category three English learner" means an English learner 33391
described in division (C) of section 3317.016 of the Revised Code. 33392

(C)(1) "Category one special education student" means a 33393
student who is receiving special education services for a 33394
disability specified in division (A) of section 3317.013 of the 33395
Revised Code. 33396

(2) "Category two special education student" means a student 33397
who is receiving special education services for a disability 33398
specified in division (B) of section 3317.013 of the Revised Code. 33399

(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(D) ~~"Formula amount" has the same meaning as in section 3317.02 of the Revised Code.~~ "Economically disadvantaged index for a science, technology, engineering, and mathematics school" means the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (F)(1) of section 3317.02 of the Revised Code.

(E) "Funding base" means the following:

(1) For a science, technology, engineering, and mathematics school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under section 3326.33 of the Revised Code as that section existed prior to the effective date of this amendment in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly and

the amount, if any, paid to the school for that fiscal year under 33431
section 3326.41 of the Revised Code in accordance with division 33432
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly; 33433

(2) For a science, technology, engineering, and mathematics 33434
school that was in operation for part of fiscal year 2020, the 33435
amount that would have been paid to the school for that fiscal 33436
year under section 3326.33 of the Revised Code as that section 33437
existed prior to the effective date of this amendment in 33438
accordance with division (A) of Section 265.235 of H.B. 166 of the 33439
133rd general assembly if the school had been in operation for the 33440
entirety of that fiscal year, as calculated by the department, and 33441
the amount that would have been paid to the school for that fiscal 33442
year under section 3326.41 of the Revised Code in accordance with 33443
division (B) of Section 265.235 of H.B. 166 of the 133rd general 33444
assembly, if any, if the school had been in operation for the 33445
entirety of that fiscal year, as calculated by the department; 33446

(3) For a science, technology, engineering, and mathematics 33447
school that was not in operation for fiscal year 2020, the amount 33448
that would have been paid to the school if it was in operation for 33449
that school year under section 3326.33 of the Revised Code as that 33450
section existed prior to the effective date of this amendment in 33451
accordance with division (A) of Section 265.235 of H.B. 166 of the 33452
133rd general assembly if the school had been in operation for the 33453
entirety of that fiscal year, as calculated by the department, and 33454
the amount that would have been paid to the school for that fiscal 33455
year under section 3326.41 of the Revised Code in accordance with 33456
division (B) of Section 265.235 of H.B. 166 of the 133rd general 33457
assembly, if any, if the school had been in operation for the 33458
entirety of that fiscal year, as calculated by the department. 33459

(F) "IEP" means an individualized education program as 33460
defined in section 3323.01 of the Revised Code. 33461

~~(F)~~(G) A science, technology, engineering, and mathematics 33462

school's "general phase-in percentage" for a fiscal year is equal 33463
to the general phase-in percentage for that fiscal year for city, 33464
local, exempted village, and joint vocational school districts as 33465
defined in section 3317.02 of the Revised Code. 33466

(H) "Resident district" means the school district in which a 33467
student is entitled to attend school under section 3313.64 or 33468
3313.65 of the Revised Code. 33469

~~(G) "State education aid" has the same meaning as in section~~ 33470
~~5751.20 of the Revised Code.~~ (I) "Statewide average base cost per 33471
pupil" and "statewide average career-technical base cost per 33472
pupil" have the same meanings as in section 3317.02 of the Revised 33473
Code. 33474

Sec. 3326.32. Each science, technology, engineering, and 33475
mathematics school shall report to the department of education, in 33476
the form and manner required by the department, all of the 33477
following information: 33478

(A) The total number of students enrolled in the school who 33479
are residents of this state; 33480

(B) The number of students reported under division (A) of 33481
this section who are receiving special education and related 33482
services pursuant to an IEP; 33483

(C) For each student reported under division (B) of this 33484
section, which category specified in divisions (A) to (F) of 33485
section 3317.013 of the Revised Code applies to the student; 33486

(D) The full-time equivalent number of students reported 33487
under division (A) of this section who are enrolled in 33488
career-technical education programs or classes described in each 33489
of divisions (A)(1), ~~(B)~~ (2), ~~(C)~~ (3), ~~(D)~~ (4), and ~~(E)~~ (5) of 33490
section 3317.014 of the Revised Code that are provided by the STEM 33491
school; 33492

(E) The number of students reported under division (A) of 33493
this section who are English learners and which category specified 33494
in divisions (A) to (C) of section 3317.016 of the Revised Code 33495
applies to each student; 33496

(F) The number of students reported under division (A) of 33497
this section who are economically disadvantaged, as defined by the 33498
department. A student shall not be categorically excluded from the 33499
number reported under division (F) of this section based on 33500
anything other than family income. 33501

(G) The resident district of each student reported under 33502
division (A) of this section; 33503

(H) The total number of students enrolled in the school who 33504
are not residents of this state and any additional information 33505
regarding these students that the department requires the school 33506
to report. The school shall not receive any payments under this 33507
chapter for students reported under this division. 33508

(I) Any additional information the department determines 33509
necessary to make payments under this chapter. 33510

Sec. 3326.33. (A) For each fiscal year, the department of 33511
education shall compute and distribute state core foundation 33512
funding to each science, technology, engineering, and mathematics 33513
school established under this chapter or, if the school is part of 33514
a group of STEM schools under section 3326.031 of the Revised 33515
Code, to the governing body of that group in an amount equal to 33516
the lesser of the following: 33517

(1) The following sum: 33518

The school's funding base + {[the sum of the per pupil amounts 33519
calculated for the school for that fiscal year under division (B) 33520
of this section + the sum of the per pupil amounts calculated for 33521
the school for that fiscal year under division (A) of section 33522

3326.39 of the Revised Code + the amount calculated for the school 33523
for that fiscal year under division (B) of section 3326.39 of the 33524
Revised Code) - the school's funding base] X the school's general 33525
phase-in percentage for that fiscal year} 33526

(2) The following sum: 33527

The sum of the per pupil amounts calculated for the school for 33528
that fiscal year under division (B) of this section + the sum of 33529
the per pupil amounts calculated for the school for that fiscal 33530
year under division (A) of section 3326.39 of the Revised Code + 33531
the amount calculated for the school for that fiscal year under 33532
division (B) of section 3326.39 of the Revised Code 33533

(B) For each student enrolled in a science, technology, 33534
engineering, and mathematics school established under this 33535
chapter, on a full-time equivalency basis, the department of 33536
education annually shall ~~deduct from the state education aid of a~~ 33537
~~student's resident school district and, if necessary, from the~~ 33538
~~payment made to the district under sections 321.24 and 323.156 of~~ 33539
~~the Revised Code and pay to the school or, if the student is~~ 33540
~~enrolled in a school that is part of a group of STEM schools under~~ 33541
~~section 3326.031 of the Revised Code, to the governing body of~~ 33542
~~that group the sum~~ calculate all of the following: 33543

~~(A) An opportunity grant in an amount equal to the formula~~ 33544
~~amount;~~ (1) The school's base cost per pupil for that fiscal year, 33545
calculated as follows: 33546

The aggregate base cost calculated for the school for that fiscal 33547
year under section 3326.43 of the Revised Code / the number of 33548
students enrolled in the school for that fiscal year 33549

~~(B) The per pupil amount of targeted assistance funds~~ 33550
~~calculated under division (A) of section 3317.0217 of the Revised~~ 33551
~~Code for the student's resident district, as determined by the~~ 33552
~~department, X 0.25;~~ 33553

~~(C)~~ (2) Additional state aid for special education and related 33554

services provided under Chapter 3323. of the Revised Code as 33555
follows: 33556

~~(1)~~(a) If the student is a category one special education 33557
student, the ~~amount~~ multiple specified in division (A) of section 33558
3317.013 of the Revised Code X the statewide average base cost per 33559
pupil for that fiscal year; 33560

~~(2)~~(b) If the student is a category two special education 33561
student, the ~~amount~~ multiple specified in division (B) of section 33562
3317.013 of the Revised Code X the statewide average base cost per 33563
pupil for that fiscal year; 33564

~~(3)~~(c) If the student is a category three special education 33565
student, the ~~amount~~ multiple specified in division (C) of section 33566
3317.013 of the Revised Code X the statewide average base cost per 33567
pupil for that fiscal year; 33568

~~(4)~~(d) If the student is a category four special education 33569
student, the ~~amount~~ multiple specified in division (D) of section 33570
3317.013 of the Revised Code X the statewide average base cost per 33571
pupil for that fiscal year; 33572

~~(5)~~(e) If the student is a category five special education 33573
student, the ~~amount~~ multiple specified in division (E) of section 33574
3317.013 of the Revised Code X the statewide average base cost per 33575
pupil for that fiscal year; 33576

~~(6)~~(f) If the student is a category six special education 33577
student, the ~~amount~~ multiple specified in division (F) of section 33578
3317.013 of the Revised Code X the statewide average base cost per 33579
pupil for that fiscal year. 33580

~~(D) If the student is in kindergarten through third grade,~~ 33581
~~\$320;~~ 33582

~~(E)~~(3) If the student is economically disadvantaged, an 33583
amount of disadvantaged pupil impact aid equal to the following: 33584

§272 422 X the resident district's <u>school's</u> economically	33585
disadvantaged index	33586
(F) (4) English learner funds, as follows:	33587
(1) (a) If the student is a category one English learner, the	33588
amount <u>multiple</u> specified in division (A) of section 3317.016 of	33589
the Revised Code X <u>the statewide average base cost per pupil for</u>	33590
<u>that fiscal year;</u>	33591
(2) (b) If the student is a category two English learner, the	33592
amount <u>multiple</u> specified in division (B) of section 3317.016 of	33593
the Revised Code X <u>the statewide average base cost per pupil for</u>	33594
<u>that fiscal year;</u>	33595
(3) (c) If the student is a category three English learner,	33596
the amount <u>multiple</u> specified in division (C) of section 3317.016	33597
of the Revised Code X <u>the statewide average base cost per pupil</u>	33598
<u>for that fiscal year.</u>	33599
(G) Career technical education funds as follows:	33600
(1) If the student is a category one career technical	33601
education student, the amount specified in division (A) of section	33602
3317.014 of the Revised Code;	33603
(2) If the student is a category two career technical	33604
education student, the amount specified in division (B) of section	33605
3317.014 of the Revised Code;	33606
(3) If the student is a category three career technical	33607
education student, the amount specified in division (C) of section	33608
3317.014 of the Revised Code;	33609
(4) If the student is a category four career technical	33610
education student, the amount specified in division (D) of section	33611
3317.014 of the Revised Code;	33612
(5) If the student is a category five career technical	33613
education student, the amount specified in division (E) of section	33614

3317.014 of the Revised Code.	33615
Deduction and payment of funds under division (G) of this	33616
section is subject to approval under section 3317.161 of the	33617
Revised Code.	33618
<u>Sec. 3326.39. (A) For each student enrolled in a science,</u>	33620
<u>technology, engineering, and mathematics school established under</u>	33621
<u>this chapter, on a full-time equivalency basis, the department of</u>	33622
<u>education shall calculate career-technical education funds as</u>	33623
<u>follows:</u>	33624
<u>(1) If the student is a category one career-technical</u>	33625
<u>education student, the multiple specified in division (A)(1) of</u>	33626
<u>section 3317.014 of the Revised Code X the statewide average</u>	33627
<u>career-technical base cost per pupil for that fiscal year;</u>	33628
<u>(2) If the student is a category two career-technical</u>	33629
<u>education student, the multiple specified in division (A)(2) of</u>	33630
<u>section 3317.014 of the Revised Code X the statewide average</u>	33631
<u>career-technical base cost per pupil for that fiscal year;</u>	33632
<u>(3) If the student is a category three career-technical</u>	33633
<u>education student, the multiple specified in division (A)(3) of</u>	33634
<u>section 3317.014 of the Revised Code X the statewide average</u>	33635
<u>career-technical base cost per pupil for that fiscal year;</u>	33636
<u>(4) If the student is a category four career-technical</u>	33637
<u>education student, the multiple specified in division (A)(4) of</u>	33638
<u>section 3317.014 of the Revised Code X the statewide average</u>	33639
<u>career-technical base cost per pupil for that fiscal year;</u>	33640
<u>(5) If the student is a category five career-technical</u>	33641
<u>education student, the multiple specified in division (A)(5) of</u>	33642
<u>section 3317.014 of the Revised Code X the statewide average</u>	33643
<u>career-technical base cost per pupil for that fiscal year.</u>	33644
<u>Payment of funds calculated under division (A) of this</u>	33645

section is subject to approval under section 3317.161 of the 33646
Revised Code. 33647

(B) Subject to division (I) of section 3317.023 of the 33648
Revised Code, the department of education shall calculate 33649
career-technical associated services funds for each science, 33650
technology, engineering, and mathematics school as follows: 33651

The multiple for career-technical education associated services 33652
specified under division (B) of section 3317.014 of the Revised 33653
Code X the statewide average career-technical base cost per pupil 33654
for that fiscal year X the number of the school's students 33655
enrolled in career-technical education 33656

(C) Subject to division (I) of section 3317.023 of the 33657
Revised Code, the department shall pay career awareness and 33658
exploration funds to each science, technology, engineering, and 33659
mathematics school as follows: 33660

The number of students enrolled in the science, technology, 33661
engineering, and mathematics school X \$2.50, for fiscal year 2020, 33662
\$5, for fiscal year 2021, \$7.50, for fiscal year 2022, or \$10, for 33663
fiscal year 2023 and each fiscal year thereafter 33664

(D) In any fiscal year, a STEM school receiving funds 33665
calculated under division ~~(G)~~ (A) of this section ~~3326.33~~ of the 33666
Revised Code shall spend those funds only for the purposes that 33667
the department designates as approved for career-technical 33668
education expenses. Career-technical ~~educational~~ education 33669
expenses approved by the department shall include only expenses 33670
connected to the delivery of career-technical programming to 33671
career-technical students. The department shall require the school 33672
to report data annually so that the department may monitor the 33673
school's compliance with the requirements regarding the manner in 33674
which funding received under division ~~(G)~~ (A) of section 3326.33 33675
of the Revised Code may be spent. 33676

~~(B)~~ (E) All funds received under division ~~(G)~~ (A) of this 33677

section ~~3326.33~~ of the Revised Code shall be spent in the 33678
following manner: 33679

(1) At least seventy-five per cent of the funds shall be 33680
spent on curriculum development, purchase, and implementation; 33681
instructional resources and supplies; industry-based program 33682
certification; student assessment, credentialing, and placement; 33683
curriculum specific equipment purchases and leases; 33684
career-technical student organization fees and expenses; home and 33685
agency linkages; work-based learning experiences; professional 33686
development; and other costs directly associated with 33687
career-technical education programs including development of new 33688
programs. 33689

(2) Not more than twenty-five per cent of the funds shall be 33690
used for personnel expenditures. 33691

(F) In any fiscal year, a science, technology, engineering, 33692
and mathematics school receiving funds under division (H) of 33693
section 3317.014 of the Revised Code shall spend those funds only 33694
for the following purposes: 33695

(1) Delivery of career awareness programs to students 33696
enrolled in grades kindergarten through twelve; 33697

(2) Provision of a common, consistent curriculum to students 33698
throughout their primary and secondary education; 33699

(3) Assistance to teachers in providing a career development 33700
curriculum to students; 33701

(4) Development of a career development plan for each student 33702
that stays with that student for the duration of the student's 33703
primary and secondary education; 33704

(5) Provision of opportunities for students to engage in 33705
activities, such as career fairs, hands-on experiences, and job 33706
shadowing, across all career pathways at each grade level. 33707

The department may deny payment under division (C) of this section to any school that the department determines is using funds paid under division (H) of section 3317.014 of the Revised Code for other purposes. 33708
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Sec. 3326.40. A STEM school shall spend the funds it receives under division ~~(E)~~ (B)(3) of section 3326.33 of the Revised Code in accordance with section 3317.25 of the Revised Code. 33712
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Sec. 3326.43. (A) As used in this section: 33716

(1) "Average teacher cost" for a fiscal year has the same meaning as in section 3317.011 of the Revised Code. 33717
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(2) "Base cost enrolled ADM" has the same meaning as in section 3317.02 of the Revised Code. 33719
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(3) "Eligible science, technology, engineering, and mathematics school" means a science, technology, engineering, and mathematics school that satisfies one of the following: 33721
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33723

(a) The school is a member of an organization that regulates interscholastic athletics. 33724
33725

(b) The school has teams in at least three different sports that participate in an interscholastic league. 33726
33727

(B) When calculating a science, technology, engineering, and mathematics school's aggregate base cost under this section, the department shall use data from fiscal year 2018 for the average teacher cost. 33728
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(C) A science, technology, engineering, and mathematics school's aggregate base cost for a fiscal year shall be equal to the following sum: 33732
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33734

(The school's teacher base cost for that fiscal year computed under division (D) of this section) + (the school's student 33735
33736

support base cost for that fiscal year computed under division (E) 33737
of this section) + (the school's leadership and accountability 33738
base cost for that fiscal year computed under division (F) of this 33739
section) + (the school's building leadership and operations base 33740
cost for that fiscal year computed under division (G) of this 33741
section) + (the school's athletic co-curricular activities base 33742
cost for that fiscal year computed under division (H) of this 33743
section, if the school is an eligible community school) 33744

(D) The department of education shall compute a science, 33745
technology, engineering, and mathematics school's teacher base 33746
cost for a fiscal year as follows: 33747

(1) Calculate the school's classroom teacher cost for that 33748
fiscal year as follows: 33749

(a) Determine the full-time equivalency of students enrolled 33750
in the school for that fiscal year that are enrolled in 33751
kindergarten and divide that number by 20; 33752

(b) Determine the full-time equivalency of students enrolled 33753
in the school for that fiscal year that are enrolled in grades one 33754
through three and divide that number by 23; 33755

(c) Determine the full-time equivalency of students enrolled 33756
in the school for that fiscal year that are enrolled in grades 33757
four through eight but are not enrolled in a career-technical 33758
education program or class described under section 3317.014 of the 33759
Revised Code and divide that number by 25; 33760

(d) Determine the full-time equivalency of students enrolled 33761
in the school for that fiscal year that are enrolled in grades 33762
nine through twelve but are not enrolled in a career-technical 33763
education program or class described under section 3317.014 of the 33764
Revised Code and divide that number by 27; 33765

(e) Determine the full-time equivalency of students enrolled 33766
in the school for that fiscal year that are enrolled in a 33767

<u>career-technical education program or class, as reported under</u>	33768
<u>division (B)(2)(d) of section 3314.08 of the Revised Code, and</u>	33769
<u>divide that number by 18;</u>	33770
<u>(f) Compute the sum of the quotients obtained under divisions</u>	33771
<u>(D)(1)(a), (b), (c), (d), and (e) of this section;</u>	33772
<u>(g) Compute the classroom teacher cost by multiplying the</u>	33773
<u>average teacher cost for that fiscal year by the sum computed</u>	33774
<u>under division (D)(1)(f) of this section.</u>	33775
<u>(2) Calculate the school's special teacher cost for that</u>	33776
<u>fiscal year as follows:</u>	33777
<u>(a) Divide the number of students enrolled in the school for</u>	33778
<u>that fiscal year by 150;</u>	33779
<u>(b) Compute the special teacher cost by multiplying the</u>	33780
<u>quotient obtained under division (D)(2)(a) of this section by the</u>	33781
<u>average teacher cost for that fiscal year.</u>	33782
<u>(3) Calculate the school's substitute teacher cost for that</u>	33783
<u>fiscal year in accordance with the following formula:</u>	33784
<u>(a) Compute the substitute teacher daily rate with benefits</u>	33785
<u>by multiplying the substitute teacher daily rate of \$90 by 1.16;</u>	33786
<u>(b) Compute the substitute teacher cost in accordance with</u>	33787
<u>the following formula:</u>	33788
<u>(The sum computed under division (D)(1)(f) of this section + the</u>	33789
<u>quotient obtained under division (D)(2)(a) of this section) X the</u>	33790
<u>amount computed under division (D)(3)(a) of this section X 5</u>	33791
<u>(4) Calculate the school's professional development cost for</u>	33792
<u>that fiscal year in accordance with the following formula:</u>	33793
<u>(The sum computed under division (D)(1)(f) of this section + the</u>	33794
<u>quotient obtained under division (D)(2)(a) of this section) X</u>	33795
<u>[(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of</u>	33796
<u>the Revised Code for that fiscal year)/180] X 4</u>	33797

(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section. 33798
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33800

(E) The department shall compute a science, technology, engineering, and mathematics school's student support base cost for a fiscal year as follows: 33801
33802
The number of students enrolled in the school for that fiscal year 33804
X [(the sum of the student support base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (E) of section 3317.011 of the Revised Code) / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year] 33805
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(F) The department shall compute a science, technology, engineering, and mathematics school's leadership and accountability base cost for a fiscal year as follows: 33811
33812
The number of students enrolled in the school for that fiscal year 33814
X (the sum of the leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (F) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year) 33815
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(G) The department shall compute a science, technology, engineering, and mathematics school's building leadership and operations base cost for a fiscal year as follows: 33821
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The number of students enrolled in the school for that fiscal year 33824
X (the sum of the building leadership and accountability base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (G) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village 33825
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<u>school districts in the state for that fiscal year)</u>	33830
<u>(H) If a science, technology, engineering, and mathematics school is an eligible science, technology, engineering, and mathematics school, the department shall compute the school's athletic co-curricular activities base cost for a fiscal year as follows:</u>	33831
<u>The number of students enrolled in the school for that fiscal year</u>	33832
<u>X (the sum of the athletic co-curricular activities base cost calculated for all city, local, and exempted village school districts in the state for that fiscal year under division (H) of section 3317.011 of the Revised Code / the sum of the base cost enrolled ADMs of all of the city, local, and exempted village school districts in the state for that fiscal year)</u>	33833
<u>Sec. 3326.44. In any fiscal year, a STEM school shall spend the funding it receives under division (B)(4) of section 3326.33 of the Revised Code only for services for English learners.</u>	33834
<u>Sec. 3326.51. (A) As used in this section:</u>	33835
<u>(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code.</u>	33836
<u>(2) "STEM school sponsoring district" means a municipal, city, local, or exempted village, or joint vocational school district that governs and controls a STEM school pursuant to this section.</u>	33837
<u>(B) Notwithstanding any other provision of this chapter to the contrary:</u>	33838
<u>(1) If a proposal for a STEM school submitted under section 3326.03 of the Revised Code proposes that the governing body of the school be the board of education of a municipal, city, local, or exempted village, or joint vocational school district that is one of the partners submitting the proposal, and the STEM</u>	33839
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committee approves that proposal, that school district board shall 33860
govern and control the STEM school as one of the schools of its 33861
district. 33862

(2) The STEM school sponsoring district shall maintain a 33863
separate accounting for the STEM school as a separate and distinct 33864
operational unit within the district's finances. The auditor of 33865
state, in the course of an annual or biennial audit of the school 33866
district serving as the STEM school sponsoring district, shall 33867
audit that school district for compliance with the financing 33868
requirements of this section. 33869

(3) With respect to students enrolled in a STEM school whose 33870
resident district is the STEM school sponsoring district: 33871

(a) The department of education shall make ~~no deductions~~ 33872
~~under section 3326.33~~ payments to the school in accordance with 33873
sections 3326.31 to 3326.49 of the Revised Code from the STEM 33874
school sponsoring district's state payments. 33875

~~(b) The STEM school sponsoring district shall ensure that it 33876
allocates to the STEM school funds equal to or exceeding the 33877
amount that would be calculated pursuant to division (B) of 33878
section 3313.981 of the Revised Code for the students attending 33879
the school whose resident district is the STEM school sponsoring 33880
district. 33881~~

~~(e)~~ The STEM school sponsoring district is responsible for 33882
providing children with disabilities with a free appropriate 33883
public education under Chapter 3323. of the Revised Code. 33884

~~(d)~~(c) The STEM school sponsoring district shall provide 33885
student transportation in accordance with laws and policies 33886
generally applicable to the district. 33887

(4) With respect to students enrolled in the STEM school 33888
whose resident district is another school district, the department 33889
shall ~~make no payments or deductions under sections 3326.31 to~~ 33890

~~3326.49 of the Revised Code. Instead, consider the students shall~~ 33891
~~be considered as open enrollment students and the department shall~~ 33892
~~make payments and deductions to the school in accordance with~~ 33893
~~section 3313.981 sections 3326.31 to 3326.49 of the Revised Code.~~ 33894
~~The STEM school sponsoring district shall allocate the payments to~~ 33895
~~the STEM school. The STEM school sponsoring district may enter~~ 33896
~~into financial agreements with the students' resident districts,~~ 33897
~~which agreements may provide financial support in addition to the~~ 33898
~~funds received from the open enrollment calculation. The STEM~~ 33899
~~school sponsoring district shall allocate all such additional~~ 33900
~~funds to the STEM school.~~ 33901

~~(5) Where the department is required to make, deny, reduce,~~ 33902
~~or adjust payments to a STEM school sponsoring district pursuant~~ 33903
~~to this section, it shall do so in such a manner that the STEM~~ 33904
~~school sponsoring district may allocate that action to the STEM~~ 33905
~~school.~~ 33906

~~(6)~~ A STEM school sponsoring district and its board may 33907
assign its district employees to the STEM school, in which case 33908
section 3326.18 of the Revised Code shall not apply. The district 33909
and board may apply any other resources of the district to the 33910
STEM school in the same manner that it applies district resources 33911
to other district schools. 33912

~~(7)~~(6) Provisions of this chapter requiring a STEM school and 33913
its governing body to comply with specified laws as if it were a 33914
school district and in the same manner as a board of education 33915
shall instead require such compliance by the STEM school 33916
sponsoring district and its board of education, respectively, with 33917
respect to the STEM school. Where a STEM school or its governing 33918
body is required to perform a specific duty or permitted to take a 33919
specific action under this chapter, that duty is required to be 33920
performed or that action is permitted to be taken by the STEM 33921
school sponsoring district or its board of education, 33922

respectively, with respect to the STEM school. 33923

~~(8)~~(7) No provision of this chapter limits the authority, as 33924
provided otherwise by law, of a school district and its board of 33925
education to levy taxes and issue bonds secured by tax revenues. 33926

~~(9)~~(8) The treasurer of the STEM school sponsoring district 33927
or, if the STEM school sponsoring district is a municipal school 33928
district, the chief financial officer of the district, shall have 33929
all of the respective rights, authority, exemptions, and duties 33930
otherwise conferred upon the treasurer or chief financial officer 33931
by the Revised Code. 33932

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 33933
and division (D) of section 3311.52 of the Revised Code, this 33934
section and sections 3327.011, 3327.012, and 3327.02 of the 33935
Revised Code do not apply to any joint vocational or cooperative 33936
education school district. 33937

In all city, local, and exempted village school districts 33938
where resident school pupils in grades kindergarten through eight 33939
live more than two miles from the school for which the state board 33940
of education prescribes minimum standards pursuant to division (D) 33941
of section 3301.07 of the Revised Code and to which they are 33942
assigned by the board of education of the district of residence or 33943
to and from the nonpublic or community school which they attend, 33944
the board of education shall provide transportation for such 33945
pupils to and from that school except as provided in section 33946
3327.02 of the Revised Code. 33947

In all city, local, and exempted village school districts 33948
where pupil transportation is required under a career-technical 33949
plan approved by the state board of education under section 33950
3313.90 of the Revised Code, for any student attending a 33951
career-technical program operated by another school district, 33952
including a joint vocational school district, as prescribed under 33953

that section, the board of education of the student's district of 33954
residence shall provide transportation from the public high school 33955
operated by that district to which the student is assigned to the 33956
career-technical program. 33957

In all city, local, and exempted village school districts, 33958
the board may provide transportation for resident school pupils in 33959
grades nine through twelve to and from the high school to which 33960
they are assigned by the board of education of the district of 33961
residence or to and from the nonpublic or community high school 33962
which they attend for which the state board of education 33963
prescribes minimum standards pursuant to division (D) of section 33964
3301.07 of the Revised Code. 33965

A board of education shall not be required to transport 33966
elementary or high school pupils to and from a nonpublic or 33967
community school where such transportation would require more than 33968
thirty minutes of direct travel time as measured by school bus 33969
from the public school building to which the pupils would be 33970
assigned if attending the public school designated by the district 33971
of residence. 33972

Where it is impractical to transport a pupil by school 33973
conveyance, a board of education may offer payment, in lieu of 33974
providing such transportation in accordance with section 3327.02 33975
of the Revised Code. 33976

A board of education shall provide transportation to students 33977
enrolled in a community school or nonpublic school in accordance 33978
with this section on each day in which that school is open for 33979
operation with students in attendance, regardless of whether the 33980
district's own schools are open for operation with students in 33981
attendance on that day. However, a board of education shall not be 33982
required to transport elementary or high school pupils to and from 33983
a nonpublic or community school on Saturday or Sunday, unless a 33984
board of education and a nonpublic or community school have an 33985

agreement in place to do so before the first day of July of the 33986
school year in which the agreement takes effect. 33987

In all city, local, and exempted village school districts, 33988
the board shall provide transportation for all children who are so 33989
disabled that they are unable to walk to and from the school for 33990
which the state board of education prescribes minimum standards 33991
pursuant to division (D) of section 3301.07 of the Revised Code 33992
and which they attend. In case of dispute whether the child is 33993
able to walk to and from the school, the health commissioner shall 33994
be the judge of such ability. In all city, exempted village, and 33995
local school districts, the board shall provide transportation to 33996
and from school or special education classes for mentally disabled 33997
children in accordance with standards adopted by the state board 33998
of education. 33999

When transportation of pupils is provided the conveyance 34000
shall be run on a time schedule that shall be adopted and put in 34001
force by the board not later than ten days after the beginning of 34002
the school term. The operator of every school bus or motor van 34003
owned and operated by any school district or educational service 34004
center or privately owned and operated under contract with any 34005
school district or service center in this state shall make a good 34006
faith effort to deliver students enrolled in preschool through 34007
twelfth grades to their respective public and nonpublic schools 34008
not sooner than thirty minutes prior to the beginning of school 34009
and to be available to pick them up not later than thirty minutes 34010
after the close of their respective schools each day. 34011

The cost of any transportation service authorized by this 34012
section shall be paid first out of federal funds, if any, 34013
available for the purpose of pupil transportation, and secondly 34014
out of state appropriations, in accordance with regulations 34015
adopted by the state board of education. 34016

No transportation of any pupils shall be provided by any 34017

board of education to or from any school which in the selection of 34018
pupils, faculty members, or employees, practices discrimination 34019
against any person on the grounds of race, color, religion, or 34020
national origin. 34021

Sec. 3327.016. (A) As used in this section: 34022

(1) "Designated educational service center" means an 34023
educational service center with which the city, local, or exempted 34024
village school district has entered into a service agreement under 34025
section 3313.843 of the Revised Code or, if a district has not 34026
entered into a service agreement, the service center with the most 34027
territory in the county in which the district is located. 34028

(2) "Eligible student" means a student entitled to 34029
transportation services from the city, local, or exempted village 34030
school district pursuant to section 3327.01 of the Revised Code. 34031

(B) Except as provided for in division (D) of this section, 34032
each community school established under Chapter 3314. of the 34033
Revised Code or chartered nonpublic school shall establish the 34034
school's start and end times for a particular school year not 34035
later than the first day of June prior to that school year. Each 34036
community or chartered nonpublic school shall provide such start 34037
and end times to each city, local, or exempted village school 34038
district that the school expects will be responsible for providing 34039
transportation services to eligible students enrolled in the 34040
school for that school year. 34041

(C) Except as provided for in division (D) of this section, 34042
each city, local, or exempted village school district that 34043
receives start and end times as prescribed under division (B) of 34044
this section shall use those start and end times to develop a 34045
transportation plan, including transportation routes and 34046
schedules, for eligible students who enrolled in a community or 34047
chartered nonpublic school not later than the first day of June 34048

prior to the school year described in that division. Each district 34049
shall develop and provide such transportation plan to the 34050
community or chartered nonpublic school not later than the first 34051
day of July of that school year. For any eligible student who 34052
enrolls in a community or chartered nonpublic school after the 34053
first day of June prior to that school year, a district shall 34054
develop a transportation plan, including transportation routes and 34055
schedules, for that student within fourteen calendar days of 34056
receiving a request for transportation services from the student's 34057
parent or guardian. 34058

(D) In the event that a city, local, or exempted village 34059
school district has twenty or more community or chartered 34060
nonpublic schools located in the district's territory, the 34061
designated educational service center shall, for the purposes of 34062
coordinating student transportation, convene a meeting with the 34063
district and all community or chartered nonpublic schools in the 34064
district's territory. The district and each community or chartered 34065
nonpublic school shall provide any information the educational 34066
service center determines is necessary for those purposes. Not 34067
later than the fifteenth day of July of the school year for which 34068
the educational service center is coordinating transportation 34069
services, the service center shall approve a transportation plan, 34070
including transportation routes and schedules, for each community 34071
or chartered nonpublic school. 34072

(E) A student transportation plan developed under this 34073
section, including transportation routes and schedules, shall not 34074
result in an eligible student arriving to a community or chartered 34075
nonpublic school more than one hour before that school's start 34076
time, nor shall it result in that student being picked up from 34077
that school more than one hour after the school's end time. 34078

Sec. 3327.017. (A) As used in this section: 34079

(1) "Eligible student" has the same meaning as in section 3327.016 of the Revised Code. 34080
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(2) "Mass transit system" has the same meaning as in section 4511.78 of the Revised Code. 34082
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(B) No city, local, or exempted village school district shall provide or arrange for transportation for any eligible student enrolled in any of grades kindergarten through eight in a community school established under Chapter 3314. of the Revised Code or chartered nonpublic school to and from school using vehicles operated by a mass transit system, unless the district enters into an agreement with that school authorizing such transportation. An agreement under division (B) of this section shall not be effective unless both the school district and community or chartered nonpublic school approve it. 34084
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(C) A city, local, or exempted village school district that elects to provide or arrange for transportation for any eligible student enrolled in any of grades nine through twelve in a community or chartered nonpublic school to and from school using vehicles operated by a mass transit system shall ensure that the student is assigned to a route that does not require the student to make more than one transfer. 34094
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Sec. 3327.018. The board of education of each city, local, or exempted village school district that owns and operates buses for transporting students may contract, in writing, with a public or private not-for-profit agency, group, or organization, with a municipal corporation or other political subdivision or agency of the state, or with an agency of the federal government to operate its buses to assist the agency, group, organization, or political subdivision in the fulfillment of its legitimate activities and in times of emergency. These contracts shall be entered into under the authority of the school district as a political subdivision 34101
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and shall not be considered commerce. When buses are made 34111
available to other agencies, groups, organizations, or political 34112
subdivisions under this section, the buses must be operated by 34113
individuals holding certificates issued by either the educational 34114
service center governing board that has entered into an agreement 34115
with the school district under section 3313.843 or 3313.845 of the 34116
Revised Code or the superintendent of the school district 34117
certifying that the individuals satisfy the requirements of 34118
section 3327.10 of the Revised Code. All state board of education 34119
regulations governing the operation of school buses when 34120
transporting students shall apply when buses are used in 34121
accordance with this section. 34122

Any board of education of a city, local, or exempted village 34123
school district that makes one or more of its vehicles available 34124
under this section shall procure liability and property damage 34125
insurance, as provided in section 3327.09 of the Revised Code, 34126
covering all vehicles used and passengers transported under this 34127
section. The board of education may recover expenses from 34128
contracting entities, not to exceed the costs of operation and 34129
insurance coverage. 34130

Sec. 3327.02. (A) After considering each of the following 34131
factors, the board of education of a city, exempted village, or 34132
local school district, or a community school governing authority 34133
providing transportation pursuant to section 3314.091 of the 34134
Revised Code, may determine that it is impractical to transport a 34135
pupil who is eligible for transportation to and from a school 34136
under section 3327.01 of the Revised Code: 34137

(1) The time and distance required to provide the 34138
transportation; 34139

(2) The number of pupils to be transported; 34140

(3) The cost of providing transportation in terms of equipment, maintenance, personnel, and administration; 34141
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(4) Whether similar or equivalent service is provided to other pupils eligible for transportation; 34143
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(5) Whether and to what extent the additional service unavoidably disrupts current transportation schedules; 34145
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(6) Whether other reimbursable types of transportation are available. 34147
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(B) Based on its consideration of the factors established in division (A) of this section, the board or governing authority may pass a resolution declaring the impracticality of transportation. The resolution shall include each pupil's name and the reason for impracticality. Such determination shall be made not later than thirty calendar days prior to the district's or school's first day of instruction, or in the case of a student who enrolls within thirty calendar days prior to the first day of instruction or on or after the first day of instruction, not later than fourteen calendar days after the student's enrollment. The determination may be made by the superintendent and formalized at the next following meeting of the board or governing authority. 34149
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The board or governing authority shall report its determination to the state board of education in a manner determined by the state board. 34161
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In addition, the board or governing authority shall issue a letter to the pupil's parent, guardian, or other person in charge of the pupil and to the state board with a detailed description of the reasons for which such determination was made. 34164
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(C) After passing the resolution declaring the impracticality of transportation, the district board or governing authority shall offer to provide payment in lieu of transportation by doing the following: 34168
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(1) In accordance with guidelines established by the 34172
department of education, informing the pupil's parent, guardian, 34173
or other person in charge of the pupil of both of the following: 34174

(a) The resolution; 34175

(b) The right of the pupil's parent, guardian, or other 34176
person in charge of the pupil to accept the offer of payment in 34177
lieu of transportation or to reject the offer and instead request 34178
the department to initiate mediation procedures. 34179

(2) Issuing the pupil's parent, guardian, or other person in 34180
charge of the pupil a contract or other form on which the parent, 34181
guardian, or other person in charge of the pupil is given the 34182
option to accept or reject the board's offer of payment in lieu of 34183
transportation. 34184

(D) If the parent, guardian, or other person in charge of the 34185
pupil accepts the offer of payment in lieu of providing 34186
transportation, the board or governing authority shall pay the 34187
parent, guardian, or other person in charge of the pupil an amount 34188
that shall be not less than the amount determined by the general 34189
assembly as the minimum for payment in lieu of transportation, and 34190
not more than the amount determined by the department of education 34191
as the average cost of pupil transportation for the previous 34192
school year. Payment may be prorated if the time period involved 34193
is only a part of the school year. 34194

(E)(1)(a) Upon the request of a parent, guardian, or other 34195
person in charge of the pupil who rejected the payment in lieu of 34196
transportation, the department shall conduct mediation procedures. 34197

(b) If the mediation does not resolve the dispute, the state 34198
board ~~of education~~ shall conduct a hearing in accordance with 34199
Chapter 119. of the Revised Code. The state board may approve the 34200
payment in lieu of transportation or may order the district board 34201
of education or governing authority to provide transportation. The 34202

decision of the state board is binding in subsequent years and on 34203
future parties in interest provided the facts of the determination 34204
remain comparable. 34205

(2) The school district or governing authority shall provide 34206
transportation for the pupil from the time the parent, guardian, 34207
or other person in charge of the pupil requests mediation until 34208
the matter is resolved under division (E)(1)(a) or (b) of this 34209
section. 34210

(F)(1) If the department determines that a school district 34211
board or governing authority has failed or is failing to provide 34212
transportation as required by division (E)(2) of this section or 34213
as ordered by the state board under division (E)(1)(b) of this 34214
section, the department shall order the school district board or 34215
governing authority to pay to the pupil's parent, guardian, or 34216
other person in charge of the pupil, an amount equal to the state 34217
average daily cost of transportation as determined by the state 34218
board ~~of education~~ for the previous year. The school district 34219
board or governing authority shall make payments on a schedule 34220
ordered by the department. 34221

(2) If the department subsequently finds that a school 34222
district board is not in compliance with an order issued under 34223
division (F)(1) of this section and the affected pupils are 34224
enrolled in a nonpublic or community school, the department shall 34225
deduct the amount that the board is required to pay under that 34226
order from any pupil transportation payments the department makes 34227
to the school district board under section 3317.0212 of the 34228
Revised Code or other provisions of law. The department shall use 34229
the moneys so deducted to make payments to the nonpublic or 34230
community school attended by the pupil. The department shall 34231
continue to make the deductions and payments required under this 34232
division until the school district board either complies with the 34233
department's order issued under division (F)(1) of this section or 34234

begins providing transportation. 34235

(G) A nonpublic or community school that receives payments 34236
from the department under division (F)(2) of this section shall do 34237
either of the following: 34238

(1) Disburse the entire amount of the payments to the parent, 34239
guardian, or other person in charge of the pupil affected by the 34240
failure of the school district of residence to provide 34241
transportation; 34242

(2) Use the entire amount of the payments to provide 34243
acceptable transportation for the affected pupil. 34244

Sec. 3327.021. The department of education shall monitor each 34245
city, local, or exempted village school district's compliance with 34246
sections 3327.01 and 3327.016 and division (B) of section 3327.017 34247
of the Revised Code. If the department determines a consistent or 34248
prolonged period of noncompliance on the part of the school 34249
district to provide transportation as required under those 34250
sections, the department shall deduct from the district's payment 34251
for student transportation under Chapter 3317. of the Revised Code 34252
the total daily amount of that payment, as computed by the 34253
department, for each day that the district is not in compliance. 34254

This section does not affect the authority of a school 34255
district to provide payment in lieu of transportation in 34256
accordance with section 3327.02 of the Revised Code. 34257

Sec. 3328.18. (A) As used in this section, "license" has the 34258
same meaning as in section 3319.31 of the Revised Code. 34259

(B) If a person who is employed by a college-preparatory 34260
boarding school established under this chapter or its operator is 34261
arrested, summoned, or indicted for an alleged violation of an 34262
offense listed in division (C) of section 3319.31 of the Revised 34263
Code, if the person holds a license, or an offense listed in 34264

division (B)(1) of section 3319.39 of the Revised Code, if the 34265
person does not hold a license, the chief administrator of the 34266
school in which that person works shall suspend that person from 34267
all duties that require the care, custody, or control of a child 34268
during the pendency of the criminal action against the person. If 34269
the person who is arrested, summoned, or indicted for an alleged 34270
violation of an offense listed in division (C) of section 3319.31 34271
or division (B)(1) of section 3319.39 of the Revised Code is the 34272
chief administrator of the school, the board of trustees of the 34273
school shall suspend the chief administrator from all duties that 34274
require the care, custody, or control of a child. 34275

(C) When a person who holds a license is suspended in 34276
accordance with this section, the chief administrator or board 34277
that imposed the suspension promptly shall report the person's 34278
suspension to the department of education. The report shall 34279
include the offense for which the person was arrested, summoned, 34280
or indicted. The superintendent of public instruction, on behalf 34281
of the state board of education, shall inactivate the person's 34282
license. The inactivation shall remain in force during the 34283
pendency of the criminal action against the person. The 34284
inactivation of a license under this division does not constitute 34285
a suspension or revocation of the license by the state board under 34286
section 3319.31 of the Revised Code and the state board and the 34287
state superintendent need not provide the person with an 34288
opportunity for a hearing with respect to the inactivation. If the 34289
state board does not take action against the person's license 34290
under section 3319.31 of the Revised Code, the state 34291
superintendent shall reactivate the license upon conclusion of the 34292
criminal action against the person. 34293

Sec. 3328.24. A college-preparatory boarding school 34294
established under this chapter and its board of trustees shall 34295
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 34296

3301.0714, 3301.0729, 3301.948, 3313.6013, 3313.6021, 3313.6024, 34297
3313.6025, 3313.6026, 3313.617, 3313.618, 3313.6114, 3313.6411, 34298
3313.668, 3313.669, 3313.6610, 3313.7112, 3313.721, 3313.89, 34299
3319.073, 3319.077, 3319.078, 3319.0812, 3319.318, 3319.39, 34300
3319.391, 3319.393, 3319.394, 3319.46, 3320.01, 3320.02, 3320.03, 34301
3323.251, and 5502.262, and Chapter 3365. of the Revised Code as 34302
if the school were a school district and the school's board of 34303
trustees were a district board of education. 34304

Sec. 3328.32. Each child enrolled in a college-preparatory 34305
boarding school established under this chapter shall be included 34306
in the ~~enrollment~~ formula ADM and total ADM of the district in 34307
which the child is entitled to attend school ~~and in the district's~~ 34308
~~category one through six special education enrollment, as~~ 34309
~~appropriate~~, as reported under section 3317.03 of the Revised 34310
Code. 34311

~~The department of education shall count that child in the~~ 34312
~~district's formula ADM, total ADM, and, as appropriate, category~~ 34313
~~one through six special education ADM.~~ 34314

Sec. 3328.34. (A) For each child enrolled in a 34316
college-preparatory boarding school, as reported under section 34317
3328.31 of the Revised Code, the department of education shall pay 34318
to the school the sum of the amount ~~deducted from a participating~~ 34319
~~school district's account for that child under section 3328.33 of~~ 34320
~~the Revised Code~~ eighty-five per cent of the operating expenditure 34321
per pupil of the city, local, or exempted village school district 34322
in which the child is entitled to attend school plus the per-pupil 34323
boarding amount specified in division (B) of this section. 34324

As used in this division, a district's "operating expenditure 34325
per pupil" is the total amount of state payments and other 34326
nonfederal revenue spent by the district for operating expenses 34327

during the previous fiscal year, divided by the district's 34328
enrolled ADM, as that term is defined in section 3317.02 of the 34329
Revised Code, for the previous fiscal year. 34330

(B) For the first fiscal year in which a college-preparatory 34331
boarding school may be established under this chapter, the 34332
"per-pupil boarding amount" is twenty-five thousand dollars. For 34333
each fiscal year thereafter, that amount shall be adjusted by the 34334
rate of inflation, as measured by the consumer price index (all 34335
urban consumers, all items) prepared by the bureau of labor 34336
statistics of the United States department of labor, for the 34337
previous twelve-month period. 34338

(C) The state board of education may accept funds from 34339
federal and state noneducation support services programs for the 34340
purpose of funding the per pupil boarding amount prescribed in 34341
division (B) of this section. Notwithstanding any other provision 34342
of the Revised Code, the state board shall coordinate and 34343
streamline any noneducation program requirements in order to 34344
eliminate redundant or conflicting requirements, licensing 34345
provisions, and oversight by government programs or agencies. The 34346
applicable regulatory entities shall, to the maximum extent 34347
possible, use reports and financial audits provided by the auditor 34348
of state and coordinated by the department of education to 34349
eliminate or reduce contract and administrative reviews. 34350
Regulatory entities other than the state board may suggest 34351
reasonable additional items to be included in such reports and 34352
financial audits to meet any requirements of federal law. 34353
Reporting paperwork prepared for the state board shall be shared 34354
with and accepted by other state and local entities to the maximum 34355
extent feasible. 34356

(D)(1) Notwithstanding division (A) of this section, if, in 34357
any fiscal year, a college-preparatory boarding school receives 34358
federal funds for the purpose of supporting the school's 34359

operations, the amount of those federal funds shall be deducted 34360
from the total per-pupil boarding amount for all enrolled students 34361
paid by the department to the school for that fiscal year, unless 34362
the school's board of trustees and the department determine 34363
otherwise in a written agreement. Any portion of the total 34364
per-pupil boarding amount for all enrolled students remaining 34365
after the deduction of the federal funds shall be paid by the 34366
department to the school from state funds appropriated to the 34367
department. 34368

(2) Notwithstanding division (A) of this section, if, in any 34369
fiscal year, the department receives federal funds for the purpose 34370
of supporting the operations of a college-preparatory boarding 34371
school, the department shall use those federal funds, not 34372
including any portion of those funds designated for 34373
administration, to pay the school the total per-pupil boarding 34374
amount for all enrolled students for that fiscal year. Any portion 34375
of the total per-pupil boarding amount for all enrolled students 34376
remaining after the use of the federal funds shall be paid by the 34377
department to the school from state funds appropriated to the 34378
department. 34379

(3) If any federal funds are used for the purpose prescribed 34380
in division (D)(1) or (2) of this section, the department shall 34381
comply with all requirements upon which the acceptance of the 34382
federal funds is conditioned, including any requirements set forth 34383
in the funding application submitted by the school or the 34384
department and, to the extent sufficient funds are appropriated by 34385
the general assembly, any requirements regarding maintenance of 34386
effort in expenditures. 34387

Sec. 3333.049. (A) Not later than July 1, 2016, the 34388
chancellor of higher education shall revise the requirements for 34389
reading endorsement programs offered by institutions of higher 34390

education to align those requirements with the reading 34391
competencies adopted by the state board of education under section 34392
3301.077 of the Revised Code. 34393

(B) Each educator preparation program approved under section 34394
3333.048 of the Revised Code shall require each candidate for an 34395
educator license who enters the program in the 2022-2023 academic 34396
year, or any academic year thereafter, to receive instruction in 34397
computer science and computational thinking, as applied to student 34398
learning and classroom instruction, as appropriate for the grade 34399
level and subject area of the candidate's prospective educator 34400
license. 34401

Sec. 3333.125. (A) As used in this section: 34402

(1) "Eligible student" means an individual who satisfies all 34403
of the following: 34404

(a) The individual is an Ohio resident. 34405

(b) The individual is enrolled in a certified commercial 34406
driver's license school. 34407

(c) The individual has passed a drug test. 34408

(d) The individual does not have more than three moving 34409
violations in two consecutive years. If an individual who the 34410
chancellor of higher education has determined is an eligible 34411
student has three moving violations in two consecutive years while 34412
participating in the program, the individual shall no longer be 34413
considered eligible for continued participation in the program. 34414

(e) The individual has not plead guilty to or been convicted 34415
of operating a vehicle under the influence of alcohol or a drug of 34416
abuse under section 4511.19 of the Revised Code in the past twelve 34417
months. If an individual who the chancellor has determined is an 34418
eligible student pleads guilty to or is convicted of operating a 34419

vehicle under the influence of alcohol or a drug of abuse while participating in the program, the individual shall no longer be considered eligible for continued participation in the program. 34420
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(f) The individual meets any additional eligibility criteria established under rules adopted by the chancellor under division (G) of this section. 34423
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(2) "Certified commercial driver's license school" means a commercial driver's license school certified by the chancellor. The chancellor shall adopt requirements for approval of certification and review applications based on those requirements. 34426
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No commercial driver's license school that charges employers recruiting fees shall be certified under this division. 34430
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A certified commercial driver's license program offered by a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code shall be considered a certified commercial driver's license school. 34432
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(3) "Cost of attendance" and "expected family contribution" shall be defined by the chancellor. 34440
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(4) "Employed in this state" means either of the following: 34442

(a) An individual is employed as a truck driver by an entity that has a valid mailing address in the state. 34443
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(b) An individual is self-employed as a truck driver using a valid mailing address in the state. 34445
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(5) "Moving violation" has the same meaning as in section 4510.01 of the Revised Code. 34447
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(B) The commercial truck driver student aid program is hereby 34449

established. Under the program, the chancellor of higher education shall pay to an eligible student who commits to reside in and be employed in this state for a minimum of one year upon completion of a certified commercial driver's license program a combination of a grant and a loan in the amounts prescribed by division (D) of this section to pay for the costs of a certified commercial driver's license program at a certified commercial driver's license school. 34450
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(C) There is hereby established in the state treasury the commercial truck driver student aid fund, which shall consist of funds appropriated by the general assembly for purposes of this section and funds received as repayment for loans awarded under this section. 34458
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The fund shall be used by the chancellor for grants and loans made under this section and for expenses of administering the program. 34463
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(D)(1) The grant amount awarded to an eligible student shall equal one-half of the student's remaining state cost of attendance after the student's Pell grant and expected family contribution are applied to the instructional and general charges for the student's enrollment in the certified commercial driver's license school. 34466
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Except as provided in divisions (D)(2) and (E) of this section, the chancellor also shall award a loan to an eligible student in the same amount. 34472
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(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants and loans to all eligible students who apply for participation or are participating in the program, the chancellor shall proportionately reduce the amount of each grant and loan to be awarded for the academic year. 34475
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(E) The amount of a grant and a loan awarded to an eligible student under this section shall be in addition to what the eligible student receives under the Ohio college opportunity grant under section 3333.122 of the Revised Code. If an eligible student receives a grant under section 3333.122 of the Revised Code, the chancellor shall decrease the amount of the eligible student's loan under this section by the amount of the grant received under that section. 34481
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(F)(1) Each eligible student who accepts a grant under division (B) of this section shall sign a promissory note payable to the state in the event the student fails to do either of the following: 34489
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(a) Satisfy the residency and employment requirement under that division; 34493
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(b) Complete the certified commercial driver's license program in which the student was enrolled. 34495
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(2) The amount payable under the note shall be the amount of the grant accepted by the student plus interest accrued annually beginning either one calendar year after the student completes a certified commercial driver's license program or immediately after the student disenrolls from, or does not complete, a certified commercial driver's license program. The chancellor shall determine the interest rate and period of repayment under the note. 34497
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(3) The note shall stipulate that the obligation to make payments under the note is canceled once either of the following applies to the student: 34505
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(a) The student completes a certified commercial driver's license program and meets the residency and employment requirement under division (B) of this section. 34508
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(b) The student dies or becomes totally and permanently 34511

disabled. 34512

(G) The chancellor shall adopt rules, in accordance with 34513
Chapter 119. of the Revised Code, necessary for the operation of 34514
the program, including rules for all of the following: 34515

(1) Terms and conditions for loans under the program; 34516

(2) Requirements for certification of commercial driver's 34517
license schools; 34518

(3) Additional eligibility criteria that the chancellor 34519
determines necessary for individuals participating in the program. 34520

Sec. 3333.301. (A) The chancellor of higher education, in 34521
collaboration with the management council of the Ohio education 34522
computer network established under section 3301.0715 of the 34523
Revised Code, shall establish a data system to track the free 34524
application for federal student aid form completion rate of public 34525
and chartered nonpublic school students in the state. 34526

(B) The chancellor and the management council shall develop 34527
guidelines and procedures for the operation of the system. 34528

(C) The chancellor may publish and share aggregate data 34529
regarding the free application for federal student aid, including 34530
completion counts and rates for the state and each school 34531
district, chartered nonpublic school, community school established 34532
under Chapter 3314., STEM school established under Chapter 3326., 34533
and college-preparatory boarding school established under Chapter 34534
3328. of the Revised Code. Such data may be used for the benefit 34535
of public and chartered nonpublic schools, to increase public 34536
understanding regarding the free application for federal student 34537
aid, and to assist in encouraging student completion of the free 34538
application for federal student aid form. 34539

Sec. 3333.31. (A) For state subsidy and tuition surcharge 34540

purposes, status as a resident of Ohio shall be defined by the 34541
chancellor of higher education by rule promulgated pursuant to 34542
Chapter 119. of the Revised Code. No adjudication as to the status 34543
of any person under such rule, however, shall be required to be 34544
made pursuant to Chapter 119. of the Revised Code. The term 34545
"resident" for these purposes shall not be equated with the 34546
definition of that term as it is employed elsewhere under the laws 34547
of this state and other states, and shall not carry with it any of 34548
the legal connotations appurtenant thereto. Rather, except as 34549
provided in divisions (B), (C), (D), ~~and (F)~~, and (G) of this 34550
section, for such purposes, the rule promulgated under this 34551
section shall have the objective of excluding from treatment as 34552
residents those who are present in the state primarily for the 34553
purpose of attending a state-supported or state-assisted 34554
institution of higher education, and may prescribe presumptive 34555
rules, rebuttable or conclusive, as to such purpose based upon the 34556
source or sources of support of the student, residence prior to 34557
first enrollment, evidence of intention to remain in the state 34558
after completion of studies, or such other factors as the 34559
chancellor deems relevant. 34560

(B) The rules of the chancellor for determining student 34561
residency shall grant residency status to a veteran and to the 34562
veteran's spouse and any dependent of the veteran, if both of the 34563
following conditions are met: 34564

(1) The veteran either: 34565

(a) Served one or more years on active military duty and was 34566
honorably discharged or received a medical discharge that was 34567
related to the military service; 34568

(b) Was killed while serving on active military duty or has 34569
been declared to be missing in action or a prisoner of war. 34570

(2) If the veteran seeks residency status for tuition 34571

surcharge purposes, the veteran has established domicile in this state as of the first day of a term of enrollment in an institution of higher education. If the spouse or a dependent of the veteran seeks residency status for tuition surcharge purposes, the veteran and the spouse or dependent seeking residency status have established domicile in this state as of the first day of a term of enrollment in an institution of higher education, except that if the veteran was killed while serving on active military duty, has been declared to be missing in action or a prisoner of war, or is deceased after discharge, only the spouse or dependent seeking residency status shall be required to have established domicile in accordance with this division.

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher

education. 34603

(b) The person lives in the state as of the first day of a 34604
term of enrollment in the state institution of higher education. 34605

In order for a person using transferred federal veterans' 34606
benefits to qualify under division (C)(2) of this section, the 34607
veteran who transferred the benefits must have served at least 34608
ninety days on active duty or the service member who transferred 34609
the benefits must be on active duty. 34610

(D) The rules of the chancellor for determining student 34611
residency shall grant residency status to a service member who is 34612
on active duty and to the service member's spouse and any 34613
dependent of the service member while the service member is on 34614
active duty. In order to qualify under division (D) of this 34615
section, the rules shall require the student seeking in-state 34616
tuition rates to live in the state as of the first day of a term 34617
of enrollment in the state institution of higher education, but 34618
shall not require the service member or the service member's 34619
spouse or dependent to establish domicile in this state as of the 34620
first day of a term of enrollment in a an institution of higher 34621
education. 34622

(E) The rules of the chancellor for determining student 34623
residency shall not deny residency status to a student who is 34624
either a dependent child of a parent, or the spouse of a person 34625
who, as of the first day of a term of enrollment in an institution 34626
of higher education, has accepted full-time employment and 34627
established domicile in this state for reasons other than gaining 34628
the benefit of favorable tuition rates. 34629

Documentation of full-time employment and domicile shall 34630
include both of the following documents: 34631

(1) A sworn statement from the employer or the employer's 34632
representative on the letterhead of the employer or the employer's 34633

representative certifying that the parent or spouse of the student 34634
is employed full-time in Ohio; 34635

(2) A copy of the lease under which the parent or spouse is 34636
the lessee and occupant of rented residential property in the 34637
state, a copy of the closing statement on residential real 34638
property of which the parent or spouse is the owner and occupant 34639
in this state or, if the parent or spouse is not the lessee or 34640
owner of the residence in which the parent or spouse has 34641
established domicile, a letter from the owner of the residence 34642
certifying that the parent or spouse resides at that residence. 34643

Residency officers may also evaluate, in accordance with the 34644
chancellor's rule, requests for immediate residency status from 34645
dependent students whose parents are not living and whose domicile 34646
follows that of a legal guardian who has accepted full-time 34647
employment and established domicile in the state for reasons other 34648
than gaining the benefit of favorable tuition rates. 34649

(F)(1) The rules of the chancellor for determining student 34650
residency shall grant residency status to a person who enrolls in 34651
an institution of higher education and establishes domicile in 34652
this state, regardless of the student's residence prior to that 34653
enrollment and satisfies either of the following conditions: 34654

(a) The person, while a resident of this state for state 34655
subsidy and tuition surcharge purposes, graduated from a high 34656
school in this state or completed the final year of instruction at 34657
home as authorized under section 3321.04 of the Revised Code. 34658

(b) The person meets all of the following criteria: 34659

(i) The person officially withdrew from a school in this 34660
state while the person was a resident of this state for state 34661
subsidy and tuition surcharge purposes. 34662

(ii) The person has not received a high school diploma or 34663
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 34664

or 3325.08 of the Revised Code or a high school diploma awarded by a school located in another state or country.

(iii) The person, while a resident of this state for state subsidy and tuition surcharge purposes, both took a high school equivalency test and was awarded a certificate of high school equivalence.

(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.

(G) The rules of the chancellor for determining student residency status shall grant residency status to a person to whom both of the following apply:

(1) The person, while not a resident of this state for state subsidy and tuition surcharge purposes, completes a bachelor's degree program at a state institution of higher education.

(2) The person, upon completing that bachelor's degree program, immediately enrolls in a graduate program offered at that, or another, state institution.

(H) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration

services to reside temporarily in the United States.	34695
(5) "Veteran" means any person who has completed service in the uniformed services, as defined in section 3511.01 of the Revised Code.	34696 34697 34698
(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code.	34699 34700
(7) "Certificate of high school equivalence" means either of the following:	34701 34702
(a) A certificate of high school equivalence awarded by the department of education under division (A) of section 3301.80 of the Revised Code;	34703 34704 34705
(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C)(1) of section 3301.80 of the Revised Code.	34706 34707 34708 34709
Sec. 3333.38. (A) As used in this section:	34710
(1) "Institution of higher education" includes all of the following:	34711 34712
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	34713 34714
(b) A nonprofit institution issued a certificate of authorization under Chapter 1713. of the Revised Code;	34715 34716
(c) A private institution exempt from regulation under Chapter 3332. of the Revised Code, as prescribed in section 3333.046 of the Revised Code;	34717 34718 34719
(d) An institution of higher education with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code.	34720 34721 34722
(2) "Student financial assistance supported by state funds"	34723

includes assistance granted under sections 3315.33, 3333.12, 34724
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 34725
5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an 34726
award under the choose Ohio first scholarship program established 34727
under section 3333.61 of the Revised Code, or financed by an award 34728
under the Ohio co-op/internship program established under section 34729
3333.72 of the Revised Code, and any other post-secondary student 34730
financial assistance supported by state funds. 34731

(B) An individual who is convicted of, pleads guilty to, or 34732
is adjudicated a delinquent child for one of the following 34733
violations shall be ineligible to receive any student financial 34734
assistance supported by state funds at an institution of higher 34735
education for two calendar years from the time the individual 34736
applies for assistance of that nature: 34737

(1) A violation of section 2917.02 or 2917.03 of the Revised 34738
Code; 34739

(2) A violation of section 2917.04 of the Revised Code that 34740
is a misdemeanor of the fourth degree; 34741

(3) A violation of section 2917.13 of the Revised Code that 34742
is a misdemeanor of the fourth or first degree and occurs within 34743
the proximate area where four or more others are acting in a 34744
course of conduct in violation of section 2917.11 of the Revised 34745
Code. 34746

(C) If an individual is convicted of, pleads guilty to, or is 34747
adjudicated a delinquent child for committing a violation of 34748
section 2917.02 or 2917.03 of the Revised Code, and if the 34749
individual is enrolled in a state-supported institution of higher 34750
education, the institution in which the individual is enrolled 34751
shall immediately dismiss the individual. No state-supported 34752
institution of higher education shall admit an individual of that 34753
nature for one academic year after the individual applies for 34754

admission to a state-supported institution of higher education. 34755
This division does not limit or affect the ability of a 34756
state-supported institution of higher education to suspend or 34757
otherwise discipline its students. 34758

Sec. 3333.61. The chancellor of higher education shall 34759
establish and administer the ~~Ohio innovation partnership, which~~ 34760
~~shall consist of the~~ choose Ohio first scholarship program ~~and the~~ 34761
~~Ohio research scholars program.~~ Under the ~~programs~~ program, the 34762
chancellor, subject to approval by the controlling board, shall 34763
make awards to state universities or colleges for programs and 34764
initiatives that recruit students and ~~scientists~~ provide 34765
work-based learning opportunities in the fields of science, 34766
including health professions, technology, engineering, and 34767
~~mathematics, medicine, and dentistry~~ to state universities or 34768
colleges, in order to enhance regional educational and economic 34769
strengths and meet the needs of the state's regional economies. 34770
Awards may be granted for programs and initiatives to be 34771
implemented by a state university or college alone or in 34772
collaboration with other state institutions of higher education, 34773
nonpublic Ohio universities and colleges, or other public or 34774
private Ohio entities. If the chancellor makes an award to a 34775
program or initiative that is intended to be implemented by a 34776
state university or college in collaboration with other state 34777
institutions of higher education or nonpublic Ohio universities or 34778
colleges, the chancellor may provide that some portion of the 34779
award be received directly by the collaborating universities or 34780
colleges consistent with all terms of the ~~choose Ohio innovation~~ 34781
~~partnership~~ first scholarship program. 34782

The choose Ohio first scholarship program shall assign a 34783
number of scholarships to state universities and colleges to 34784
recruit Ohio residents as undergraduate, ~~or as provided in section~~ 34785
~~3333.66 of the Revised Code~~ graduate, students in the fields of 34786

science, technology, engineering, and mathematics, ~~medicine, and~~ 34787
~~dentistry~~, or in science, technology, engineering, or mathematics, 34788
~~medical, or dental~~ education. The chancellor also may assign a 34789
number of choose Ohio first scholarships to state universities and 34790
colleges to recruit Ohio residents to enroll in certificate 34791
programs in the fields of science, technology, engineering, and 34792
~~mathematics, medicine, and dentistry~~. Choose Ohio first 34793
scholarships shall be awarded to each participating eligible 34794
student as a grant to the state university or college the student 34795
is attending and shall be reflected on the student's tuition bill. 34796
Choose Ohio first scholarships are student-centered grants from 34797
the state to students to use to attend a university or college and 34798
are not grants from the state to universities or colleges. 34799

Notwithstanding any other provision of this section or 34800
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 34801
four-year Ohio institution of higher education may submit a 34802
proposal for choose Ohio first scholarships ~~or Ohio research~~ 34803
~~scholarships grants~~. If the chancellor awards a nonpublic institution 34804
scholarships ~~or grants~~, the nonpublic institution shall comply 34805
with all requirements of this section, sections 3333.62 to 3333.69 34806
of the Revised Code, and the rules adopted under this section that 34807
apply to state universities or colleges awarded choose Ohio first 34808
scholarships ~~or Ohio research scholarships grants~~. 34809

~~The Ohio research scholars program shall award grants to use~~ 34810
~~in recruiting scientists to the faculties of state universities or~~ 34811
~~colleges.~~ 34812

The chancellor shall adopt rules in accordance with Chapter 34813
119. of the Revised Code to administer the ~~programs~~ program. 34814

Sec. 3333.613. There is hereby created in the state treasury 34815
the choose Ohio first scholarship reserve fund to consist of such 34816
amounts designated for the purposes of the fund by the general 34817

assembly, the federal government, or other sources. As soon as 34818
possible following the end of each fiscal year, the chancellor of 34819
higher education shall certify to the director of budget and 34820
management the unencumbered balance of the general revenue fund 34821
appropriations made in the immediately preceding fiscal year for 34822
purposes of the choose Ohio first scholarship program created in 34823
section 3333.61 of the Revised Code. Upon receipt of the 34824
certification, the director of budget and management may transfer 34825
an amount not exceeding the certified amount from the general 34826
revenue fund to the choose Ohio first scholarship reserve fund. 34827
Moneys in the choose Ohio first scholarship reserve fund shall be 34828
used to pay scholarship obligations in excess of the general 34829
revenue fund appropriations made for that purpose. 34830

The director of budget and management may transfer any 34831
unencumbered balance from the choose Ohio first scholarship 34832
reserve fund to the general revenue fund. 34833

If it is determined that general revenue fund appropriations 34834
are insufficient to meet the obligations for the choose Ohio first 34835
scholarship in a fiscal year, the director of budget and 34836
management may transfer funds from the choose Ohio first 34837
scholarship reserve fund to the general revenue fund in order to 34838
meet those obligations. The amount transferred is hereby 34839
appropriated. If the funds transferred from the choose Ohio first 34840
scholarship reserve fund are not needed, the director of budget 34841
and management may transfer the unexpended balance from the 34842
general revenue fund back to the choose Ohio first scholarship 34843
reserve fund. 34844

Sec. 3333.615. The primary care medical student, primary care 34845
nursing student, and primary care dental student components of the 34846
choose Ohio first scholarship program created under former 34847
sections 3333.611, 3333.612, and 3333.614 of the Revised Code as 34848

those sections existed prior to the effective date of this section 34849
are abolished on the effective date of this section. 34850

Sec. 3333.62. The chancellor of higher education shall 34851
establish a competitive process for making awards under the choose 34852
Ohio first scholarship program ~~and the Ohio research scholars~~ 34853
~~program~~. The chancellor, on completion of that process, shall make 34854
a recommendation to the controlling board asking for approval of 34855
each award selected by the chancellor. 34856

Any state university or college may apply for ~~one or more~~ 34857
~~awards~~ an award under ~~one or both programs~~ the program. The state 34858
university or college shall submit a proposal and other 34859
documentation required by the chancellor, in the form and manner 34860
prescribed by the chancellor, ~~for each award it seeks~~. A proposal 34861
may propose an initiative to be implemented solely by the state 34862
university or college or in collaboration with other state 34863
institutions of higher education, nonpublic Ohio universities or 34864
colleges, or other public or nonpublic Ohio entities. ~~A single~~ 34865
~~proposal may seek an award under one or both programs.~~ 34866

The chancellor shall determine which proposals will receive 34867
awards each fiscal year, and the amount of each award, on the 34868
basis of the merit of each proposal, which the chancellor, subject 34869
to approval by the controlling board, shall determine based on the 34870
extent to which a proposal recruits underrepresented populations 34871
in the fields of science, technology, engineering, and mathematics 34872
or science, technology, engineering, or mathematics education, 34873
along with one or more of the following criteria: 34874

(A) The quality of the program that is the subject of the 34875
proposal and the extent to which additional resources will enhance 34876
its quality; 34877

(B) The extent to which the proposal is integrated with the 34878

strengths of the regional economy;	34879
(C) The extent to which the proposal is integrated with	34880
centers of research excellence within the private sector;	34881
(D) The amount of other institutional, public, or private	34882
resources, whether monetary or nonmonetary, that the proposal	34883
pledges to leverage;	34884
(E) The extent to which the proposal is collaborative with	34885
other public or nonpublic Ohio institutions of higher education;	34886
(F) The extent to which the proposal is integrated with the	34887
university's or college's mission and does not displace existing	34888
resources already committed to the mission;	34889
<u>(D) The extent to which the university or college has</u>	34890
<u>committed to, or demonstrated, an increase in total graduates</u>	34891
<u>within the disciplines of science, technology, engineering, and</u>	34892
<u>mathematics or science, technology, engineering, or mathematics</u>	34893
<u>education, consistent with a goal to increase the total number of</u>	34894
<u>Ohio residents in the workforce who are highly qualified in these</u>	34895
<u>disciplines;</u>	34896
(G) The extent to which the proposal facilitates a more	34897
efficient utilization of existing faculty and programs;	34898
(H)(E) The extent to which the proposal meets a statewide	34899
educational need;	34900
(I) The demonstrated productivity or future capacity of the	34901
students or scientists to be recruited;	34902
(J) The extent to which the proposal will create additional	34903
capacity in educational or economic areas of need;	34904
(K) The extent to which the proposal will encourage students	34905
who received degrees in the fields of science, technology,	34906
engineering, mathematics, or medicine from two year institutions	34907
to transfer to state universities or colleges to pursue	34908

baccalaureate degrees in science, technology, engineering,	34909
mathematics, or medicine;	34910
(L) The extent to which the proposal encourages students	34911
enrolled in state universities to transfer into science,	34912
technology, engineering, mathematics, or medicine programs;	34913
(M)(F) The extent to which the proposal facilitates the	34914
completion of <u>an associate or</u> a baccalaureate degree in a	34915
cost-effective manner, for example, by facilitating students'	34916
completing two years at a two-year institution and two years at a	34917
state university or college;	34918
(N) The extent to which the proposal allows attendance at a	34919
state university or college of students who otherwise could not	34920
afford to attend;	34921
(O) The extent to which other institutional, public, or	34922
private resources pledged to the proposal will be deployed to	34923
assist in sustaining students' scholarships over their academic	34924
careers;	34925
(P) The extent to which the proposal increases the likelihood	34926
that students will successfully complete their degree programs in	34927
science, technology, engineering, mathematics, or medicine or in	34928
science, technology, engineering, mathematics, or medical	34929
education;	34930
(Q) The extent to which the proposal ensures that a student	34931
who is awarded a scholarship is appropriately qualified and	34932
prepared to successfully complete a degree program in science,	34933
technology, engineering, mathematics, or medicine or in science,	34934
technology, engineering, mathematics, or medical education;	34935
(R) The extent to which the proposal will increase the number	34936
of women participating in the choose Ohio first scholarship	34937
program;	34938

~~(S)~~(G) The extent to which the proposal encourages students 34939
to complete a certificate program at a state university or 34940
college. 34941

Sec. 3333.63. The chancellor of higher education shall 34942
conduct at least one public meeting annually, prior to deciding 34943
awards under the choose Ohio innovation partnership first 34944
scholarship program. At the meeting, an employee of the chancellor 34945
shall summarize the proposals submitted for consideration, and 34946
each state university or college that has a proposal pending shall 34947
have the opportunity to review the summary of their proposal 34948
prepared by the chancellor's staff and answer questions or respond 34949
to concerns about the proposal raised by the chancellor's staff. 34950

Sec. 3333.64. The chancellor of higher education shall 34951
endeavor to make awards under the choose Ohio first scholarship 34952
program ~~and the Ohio research scholars program~~ such that the 34953
aggregate, statewide amount of other institutional, public, and 34954
private money pledged to the ~~proposals~~ program in each fiscal year 34955
equals at least one hundred per cent of the aggregate amount of 34956
the money awarded under ~~both programs~~ the program that year. ~~The~~ 34957
~~chancellor shall endeavor to make awards under the choose Ohio~~ 34958
~~first scholarship program in such a way that at least fifty per~~ 34959
~~cent of the students receiving the scholarships are involved in a~~ 34960
~~co-op or internship program in a private industry or a university~~ 34961
~~laboratory. All students receiving a choose Ohio first scholarship~~ 34962
shall be involved in work-based learning through a co-op, 34963
internship, experience in a university, college, or private 34964
laboratory, or other work-based learning experience. State 34965
universities or colleges or nonpublic four-year Ohio institutions 34966
of higher education may appeal to the chancellor for a waiver of 34967
this requirement in cases where exceptional circumstances make one 34968
hundred per cent placement in a work-based learning environment 34969

impractical or significantly unachievable. The value of 34970
institutional, public, or private industry co-ops and internships 34971
shall count toward the statewide aggregate amount of other 34972
institutional, public, or private money specified in this 34973
paragraph. 34974

The chancellor also shall endeavor to ~~distribute awards in~~ 34975
~~such a way that all regions of the state benefit from the economic~~ 34976
~~development impact of the programs and shall guarantee~~ provide 34977
that students from all regions of the state are able to 34978
participate in the scholarship program. 34979

Sec. 3333.65. The chancellor of higher education shall 34980
require each state university or college, and any nonpublic Ohio 34981
university or college with which the state university or college 34982
is collaborating, that the controlling board approves to receive 34983
an award under the choose Ohio ~~innovation partnership~~ first 34984
scholarship program to enter into an agreement governing the use 34985
of ~~the~~ an award under the program. The agreement shall contain 34986
terms the chancellor determines to be necessary, ~~which shall~~ 34987
~~include performance measures, reporting requirements, and an~~ 34988
~~obligation to fulfill pledges of other institutional, public, or~~ 34989
~~nonpublic resources for the proposal.~~ 34990

The chancellor may require a state university or college or a 34991
nonpublic Ohio university or college that violates the terms of 34992
the agreement to repay the award plus interest at the rate 34993
required by section 5703.47 of the Revised Code ~~to the chancellor,~~ 34994
~~except that the chancellor shall not hold a state or nonpublic~~ 34995
~~university or college responsible for a repayment due to a student~~ 34996
~~obligation under section 3333.611 of the Revised Code, until the~~ 34997
~~state or nonpublic university or college is able to obtain~~ 34998
~~repayment from the student or if the state or nonpublic university~~ 34999
~~or college has certified collection of the repayment to the~~ 35000

~~attorney general and has sent a copy of the certification to the
chancellor.~~ 35001
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~~If the chancellor makes an award to a program or initiative
that is intended to be implemented by a state university or
college in collaboration with other state institutions of higher
education or nonpublic Ohio universities or colleges, the
chancellor may enter into an agreement with the collaborating
universities or colleges that permits awards to be received
directly by the collaborating universities or colleges consistent
with the terms of the program or initiative. In that case, the
chancellor shall incorporate into the agreement terms consistent
with the requirements of this section.~~ 35003
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Sec. 3333.66. (A)(1) Except as provided in ~~divisions~~ division 35013
~~(A)(2), (3), and (4)~~ of this section, in each academic year, no 35014
student who receives a choose Ohio first scholarship shall receive 35015
less than one thousand five hundred dollars or more than one-half 35016
of the highest in-state undergraduate instructional and general 35017
fees charged by all state universities. For this purpose, if Miami 35018
university is implementing the pilot tuition restructuring plan 35019
originally recognized in Am. Sub. H.B. 95 of the 125th general 35020
assembly, that university's instructional and general fees shall 35021
be considered to be the average full-time in-state undergraduate 35022
instructional and general fee amount after taking into account the 35023
Ohio resident and Ohio leader scholarships and any other credit 35024
provided to all Ohio residents. 35025

~~(2) The chancellor of higher education may authorize a state
university or college or a nonpublic Ohio institution of higher
education to award a choose Ohio first scholarship in an amount
greater than one half of the highest in state undergraduate
instructional and general fees charged by all state universities
to either of the following:~~ 35026
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~~(a) Any undergraduate student who qualifies for a scholarship and is enrolled in a program leading to a teaching profession in science, technology, engineering, mathematics, or medicine;~~ 35032
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~~(b) Any graduate student who qualifies for a scholarship, if any initiatives are selected for award under division (B) of this section.~~ 35035
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~~(3) The chancellor may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in the amount of not less than five hundred dollars but not more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities to a student enrolled in a certificate program designated as an eligible program by the chancellor.~~ 35038
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~~(4)(3) A student receiving multiple awards under division (A) of this section may not exceed the maximum permitted ~~provided that~~ each award is within its permitted amount for each individual award.~~ 35046
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~~(B) The chancellor shall encourage state universities and colleges, alone or in collaboration with other state institutions of higher education, nonpublic Ohio universities and colleges, or other public or private Ohio entities, to submit proposals under the choose Ohio first scholarship program for initiatives that recruit either of the following:~~ 35050
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~~(1) Ohio residents who enrolled in colleges and universities in other states or other countries to return to Ohio and enroll in state universities or colleges as graduate students in the fields of science, technology, engineering, mathematics, and medicine, or in the fields of science, technology, engineering, mathematics, or medical education. If such proposals are submitted and meet the chancellor's competitive criteria for awards, the chancellor,~~ 35056
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~~subject to approval by the controlling board, shall give at least 35063
one of the proposals preference for an award. 35064~~

~~(2) Graduates, or undergraduates who will graduate in time to 35065
participate in the program described in this division by the 35066
subsequent school year, from an Ohio college or university who 35067
received, or will receive, a degree in science, technology, 35068
engineering, mathematics, or medicine to participate in a 35069
graduate level teacher education masters program in one of those 35070
fields that requires the student to establish a domicile in the 35071
state and to commit to teach for a minimum of three years in a 35072
hard to staff school district in the state upon completion of the 35073
master's degree program. The chancellor may require a college or 35074
university to give priority to qualified candidates who graduated 35075
from a high school in this state. 35076~~

~~"Hard to staff" shall be as defined by the department of 35077
education. 35078~~

~~(C) The general assembly intends that money appropriated for 35079
the choose Ohio first scholarship program in each fiscal year be 35080
used for scholarships in the following academic year. 35081~~

Sec. 3333.68. When making an award under the choose Ohio 35082
~~innovation partnership first scholarship program~~, the chancellor 35083
of higher education, subject to approval by the controlling board, 35084
may commit to giving a state university's or college's proposal 35085
preference for future awards after the current fiscal year or 35086
fiscal biennium. A proposal's eligibility for future awards 35087
remains conditional on all of the following: 35088

(A) Future appropriations of the general assembly; 35089

(B) The university's or college's adherence to the agreement 35090
entered into under section 3333.65 of the Revised Code, including 35091
its fulfillment of pledges of other institutional, public, or 35092

nonpublic resources; 35093

(C) ~~With respect to the choose Ohio first scholarship~~ 35094
~~program, a~~ A demonstration that the students receiving the 35095
scholarship are satisfied with the state universities or colleges 35096
selected by the chancellor to offer the scholarships. 35097

The chancellor and the controlling board shall not commit to 35098
awarding any proposal for more than five fiscal years at a time. 35099
However, when a commitment for future awards expires, ~~a state~~ 35100
~~university or college may reapply~~ the chancellor and the 35101
controlling board may grant a one-time extension of the award for 35102
a period not to exceed four years. 35103

Sec. 3333.69. The chancellor of higher education shall 35104
monitor each initiative for which an award is granted under the 35105
choose Ohio innovation partnership first scholarship program to 35106
ensure the following: 35107

(A) Fiscal accountability, so that the award is used in 35108
accordance with the agreement entered into under section 3333.65 35109
of the Revised Code; 35110

(B) Operating progress, so that the initiative is managed to 35111
achieve the goals stated in the proposal and in the agreement, and 35112
so that problems may be promptly identified and remedied; 35113

(C) Desired outcomes, so that the initiative contributes to 35114
the ~~programs'~~ program's goals of enhancing regional educational 35115
and economic strengths and meeting regional economic needs. 35116

Sec. 3333.79. (A) As used in this section, "minority" has the 35117
same meaning as in section 184.17 of the Revised Code. The term 35118
also includes an individual who is economically disadvantaged. 35119

(B) The chancellor of higher education shall conduct outreach 35120
activities in Ohio that seek to include minorities in the Ohio 35121

co-op/internship program established under section 3333.72 of the Revised Code. The outreach activities shall include the following, when appropriate:

(1) Identifying and partnering with historically black colleges and universities;

(2) Working with all institutions of higher education in the state to support minority faculty and students involved in cooperative and intern programs;

(3) Developing a plan to contact by telephone minorities and other economically disadvantaged individuals to notify them of opportunities to participate in the co-op/internship program;

(4) Identifying minority professional and trade associations and economic development assistance organizations and notifying them of the co-op/internship program;

(5) Partnering with regional technology councils to foster local efforts to support minority participation in the co-op/internship program.

(C) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section ~~123.152~~122.922 of the Revised Code.

Sec. 3333.80. (A) As used in this section and in section 3333.801 of the Revised Code:

(1) "At-risk student" means a primary or secondary school student living in the state who is at least thirteen years of age who meets one of the following conditions:

(a) The student is eligible for a free or reduced price lunch;

(b) The student would have an expected family contribution of zero dollars, as determined by the free application for federal

student aid, in grade twelve; 35151

(c) The student has either: 35152

(i) Been impacted by family opioid addiction; or 35153

(ii) Entered into recovery for opioid addiction. 35154

The chancellor shall define terms in division (A)(1)(c) of 35155
this section as necessary to implement this section. 35156

(2) "College credit plus program" means the college credit 35157
plus program established under Chapter 3365. of the Revised Code. 35158

(3) "Expected family contribution" has the same meaning as in 35159
the rules adopted by the chancellor under section 3333.122 of the 35160
Revised Code. 35161

(4) "Eligible state institution of higher education" includes 35162
a community college established under Chapter 3354. of the Revised 35163
Code, a technical college established under Chapter 3357. of the 35164
Revised Code, a state community college established under Chapter 35165
3358. of the Revised Code, and a state university as defined in 35166
section 3345.011 of the Revised Code. 35167

(5) "School year" has the same meaning as in section 3313.62 35168
of the Revised Code. 35169

(6) "Eligible for a free or reduced price lunch" means the 35170
student is eligible for a free or reduced price lunch under the 35171
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 35172
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 35173
42 U.S.C. 1771, as amended. 35174

(B) The OhioCorps ~~pilot~~ program is hereby created to provide 35175
at-risk students with guidance to a pathway to higher education. 35176
The ~~pilot~~ program shall consist of mentorship programs established 35177
and administered by eligible state institutions of higher 35178
education pursuant to rules adopted under division (C) of this 35179
section and scholarships under section 3333.801 of the Revised 35180

~~Code. The mentorship programs shall operate in the 2019-2020 and 35181~~
~~2020-2021 school years. Scholarships shall be available only for 35182~~
~~those students who participate in a mentorship program for both 35183~~
~~school years in which it is available. 35184~~

~~(C) Not later than ninety days after the effective date of 35185~~
~~this section, the The chancellor shall adopt rules to administer 35186~~
the OhioCorps mentorship program. The rules shall include all of 35187
the following: 35188

(1) The requirements for an OhioCorps mentorship program 35189
proposed to be established by an eligible state institution of 35190
higher education, which shall include all of the following: 35191

(a) A service-learning component for students enrolled in an 35192
eligible state institution of higher education that allows them to 35193
mentor at-risk middle and high school students, and to help the 35194
at-risk students' parents on any of the following topics: 35195

(i) Preparing for college and career planning; 35196

(ii) Tutoring in reading, writing, and mathematics; 35197

(iii) Opioid and drug education programs. 35198

The eligible state institution shall include a plan for 35199
training enrolled students to provide such mentoring, including 35200
seminars on financial literacy, opioid addiction education best 35201
practices, career guidance, and tutor skills. 35202

An eligible state institution may include other elements of 35203
community service within service-learning beyond mentoring 35204
opportunities. 35205

(b) A stipend to be paid to student mentors enrolled in an 35206
eligible state institution of higher education in an amount to be 35207
determined by each institution; 35208

(c) A plan for how eligible state institutions will partner 35209
with local providers and existing programs, such as Americorps and 35210

the Ohio commission on service and volunteerism created in section 35211
121.40 of the Revised Code, to create training, programs, and 35212
service-learning opportunities. Local partnerships under division 35213
(C)(1)(c) of this section also shall include a community service 35214
training program to be offered by local partners for at-risk 35215
students for purposes of scholarship eligibility under division 35216
(A)(6) of section 3333.801 of the Revised Code. 35217

(d) Criminal records checks and adherence to the recommended 35218
best practices adopted by the Ohio commission on service and 35219
volunteerism regarding volunteers with unsupervised access to 35220
children under section 121.401 of the Revised Code. A program 35221
shall not require an individual to comply with a criminal records 35222
check or any screening procedures under division (C)(1)(d) of this 35223
section if the individual has already undergone a criminal records 35224
check as part of the individual's current participation in an 35225
Americorps program or an existing program connected to the Ohio 35226
commission on service and volunteerism. 35227

An eligible state institution of higher education also may 35228
include in an OhioCorps mentorship program summer learning camps 35229
or programs at the eligible institutions that provide higher 35230
education experiences and college credit plus program 35231
opportunities offered in the summer specifically for at-risk 35232
students. These summer learning camps or programs may be offered 35233
in any region of the state. 35234

(2) An application process under which an eligible state 35235
institution of higher education may apply to establish an 35236
OhioCorps mentorship program under this section, including 35237
application deadlines; 35238

(3) A method to determine the amount of funding the 35239
chancellor will award to each eligible state institution of higher 35240
education approved to establish an OhioCorps mentorship program. 35241

(D) The chancellor shall submit a report to the general assembly, in accordance with section 101.68 of the Revised Code, at the end of the ~~2020-2021~~ 2021-2022 school year regarding the implementation and outcomes of the OhioCorps ~~pilot~~ program.

Sec. 3333.801. (A) The OhioCorps scholarship is hereby established for at-risk students who meet the requirements of this section. The chancellor of higher education shall award an OhioCorps scholarship to each at-risk student who does all of the following:

(1) Fully participates in the mentorship program administered by an eligible state institution of higher education under section 3333.80 of the Revised Code for as long as such program is in existence or until the student completes high school;

(2) Enrolls in an eligible state institution of higher education;

(3) Meets either of the following conditions:

(a) Demonstrates that the student's expected family contribution would equal zero dollars, as determined by the free application for federal student aid, in grade twelve;

(b) Receives a letter which indicates that the student is in recovery for opioid addiction or impacted by family opioid addiction. The letter shall be written by a teacher, administrator, judge, case worker, police officer, ~~healthcare~~ health care professional, cleric, employee of a county department of job and family services who is a professional and who works with children and families, or another individual from a public entity approved by the chancellor. The at-risk student shall submit the letter to the student's school district or school. A school district or school in possession of the student's letter shall consider the letter to be subject to section 3319.321 of the

Revised Code and shall make the letter available to the chancellor 35272
at the request of the chancellor in accordance with that section. 35273

(4) Achieves either of the following: 35274

(a) A score that meets remediation-free standards in 35275
mathematics, reading, or English adopted under division (F) of 35276
section 3345.061 of the Revised Code on a nationally standardized 35277
assessment that measures college and career readiness and is used 35278
for college admission; 35279

(b) A high school cumulative grade point average of 3.0 or 35280
higher on a 4.0 scale. 35281

(5) Completes a college-preparatory curriculum in high 35282
school, as determined by the chancellor; 35283

(6) Completes a community service training program offered by 35284
a local partner under division (C)(1)(c) of section 3333.80 of the 35285
Revised Code, and completes at least forty hours of community 35286
service for each school year the student is enrolled in high 35287
school; 35288

(7) Participates in the college credit plus program, and 35289
under that program completes and receives a passing grade in at 35290
least one course ~~each of English language arts and mathematics.~~ 35291

(B) The OhioCorps scholarship shall be a one-time award of 35292
one thousand dollars. However, the chancellor may adjust the 35293
amount of each scholarship awarded under this section based on 35294
availability of funds appropriated by the general assembly and 35295
remaining in the OhioCorps fund created in section 3333.802 of the 35296
Revised Code. 35297

(C) The scholarship shall be paid to the eligible state 35298
institution of higher education in which each recipient enrolls 35299
and shall be credited by the institution to the recipient's 35300
account. 35301

Sec. 3333.802. The OhioCorps fund is hereby created in the 35302
state treasury, to consist of such amounts designated for the 35303
purposes of the fund by the general assembly, the federal 35304
government, or other sources. The fund shall be used for the 35305
following purposes: 35306

(A) To assist eligible state institutions of higher education 35307
to establish and administer an OhioCorps mentorship program under 35308
section 3333.80 of the Revised Code, including providing stipends 35309
for participating student mentors; 35310

(B) Funding scholarships awarded under section 3333.801 of 35311
the Revised Code. 35312

The fund may also be used by the chancellor of higher 35313
education to implement and administer the OhioCorps ~~pilot~~ program. 35314

Sec. 3345.063. (A) As used in this section, "state 35315
university" has the same meaning as in section 3345.011 of the 35316
Revised Code. 35317

(B) Beginning with the 2022-2023 academic year, each state 35318
university shall recognize the successful completion of a course 35319
in advanced computer science in high school, as described in the 35320
standards adopted pursuant to division (A)(4) of section 3301.079 35321
of the Revised Code, as a unit for admission to the university, as 35322
follows: 35323

(1) The state university shall recognize one unit of advanced 35324
computer science as one unit toward meeting a general mathematics 35325
requirement, as determined by the university, if the student used 35326
that advanced computer science unit to meet the mathematics 35327
curriculum requirement under division (C)(3) of section 3313.603 35328
of the Revised Code. 35329

(2) The state university shall recognize one unit of advanced 35330
computer science as one unit toward meeting a general science 35331

requirement, as determined by the university, if the student used 35332
that advanced computer science unit to meet the science curriculum 35333
requirement under division (C)(5) of section 3313.603 of the 35334
Revised Code. 35335

(3) The state university shall recognize one unit of advanced 35336
computer science as one unit toward meeting a general elective 35337
requirement, as determined by the university, if the student used 35338
the advanced computer science unit to meet the curriculum 35339
requirement under division (C)(8) of section 3313.603 of the 35340
Revised Code. 35341

(4) The state university shall recognize one unit of computer 35342
coding as one unit toward meeting a general foreign language 35343
requirement, as determined by the university, if the student used 35344
the computer coding unit to meet a school district's or school's 35345
foreign language curriculum requirement as described in division 35346
(E) of section 3313.603 of the Revised Code. 35347

(C) Each state university shall post a description of the 35348
university's recognition of advanced computer science as a core 35349
unit for admission to the university, as described in division (B) 35350
of this section, in a prominent location on the university's web 35351
site. 35352

Sec. 3345.32. (A) As used in this section: 35353

(1) "State university or college" means the institutions 35354
described in section 3345.27 of the Revised Code and the northeast 35355
Ohio medical university. 35356

(2) "Resident" has the meaning specified by rule of the 35357
chancellor of higher education. 35358

(3) "Statement of selective service status" means a statement 35359
certifying one of the following: 35360

(a) That the individual filing the statement has registered 35361

with the selective service system in accordance with the "Military
Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as
amended;

(b) That the individual filing the statement is not required
to register with the selective service for one of the following
reasons:

(i) The individual is under eighteen or over twenty-six years
of age.

(ii) The individual is on active duty with the armed forces
of the United States other than for training in a reserve or
national guard unit.

(iii) The individual is a nonimmigrant alien lawfully in the
United States in accordance with section 101 (a)(15) of the
"Immigration and Nationality Act," 8 U.S.C. 1101, as amended.

(iv) The individual is not a citizen of the United States and
is a permanent resident of the Trust Territory of the Pacific
Islands or the Northern Mariana Islands.

(4) "Institution of higher education" means any eligible
institution approved by the United States department of education
pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as
amended, or any institution whose students are eligible for
financial assistance under any of the programs described by
division (E) of this section.

(B) The chancellor shall, by rule, specify the form of
statements of selective service status to be filed in compliance
with divisions (C) to (E) of this section. Each statement of
selective service status shall contain a section wherein a male
student born after December 31, 1959, certifies that the student
has registered with the selective service system in accordance
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C.
App. 453, as amended. For those students not required to register

with the selective service, as specified in divisions (A)(2)(b)(i) 35393
to (iv) of this section, a section shall be provided on the 35394
statement of selective service status for the certification of 35395
nonregistration and for an explanation of the reason for the 35396
exemption. The chancellor may require that such statements be 35397
accompanied by documentation specified by rule of the chancellor. 35398

(C) A state university or college that enrolls in any course, 35399
class, or program a male student born after December 31, 1959, who 35400
has not filed a statement of selective service status with the 35401
university or college shall, regardless of the student's 35402
residency, charge the student any tuition surcharge charged 35403
students who are not residents of this state. 35404

(D) No male born after December 31, 1959, shall be eligible 35405
to receive any loan, grant, scholarship, or other financial 35406
assistance for educational expenses granted under section 3315.33, 35407
3333.12, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 35408
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 35409
award under the choose Ohio first scholarship program established 35410
under section 3333.61 of the Revised Code, or financed by an award 35411
under the Ohio co-op/internship program established under section 35412
3333.72 of the Revised Code, unless that person has filed a 35413
statement of selective service status with that person's 35414
institution of higher education. 35415

(E) If an institution of higher education receives a 35416
statement from an individual certifying that the individual has 35417
registered with the selective service system in accordance with 35418
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 35419
453, as amended, or that the individual is exempt from 35420
registration for a reason other than that the individual is under 35421
eighteen years of age, the institution shall not require the 35422
individual to file any further statements. If it receives a 35423
statement certifying that the individual is not required to 35424

register because the individual is under eighteen years of age, 35425
the institution shall require the individual to file a new 35426
statement of selective service status each time the individual 35427
seeks to enroll for a new academic term or makes application for a 35428
new loan or loan guarantee or for any form of financial assistance 35429
for educational expenses, until it receives a statement certifying 35430
that the individual has registered with the selective service 35431
system or is exempt from registration for a reason other than that 35432
the individual is under eighteen years of age. 35433

Sec. 3345.82. (A) As used in this section, "electronic 35434
communication" means live, audio-enabled communication that 35435
permits the trustees attending a meeting, the trustees present in 35436
person at the place where the meeting is conducted, and all 35437
members of the public present in person at the place where the 35438
meeting is conducted to simultaneously communicate with each other 35439
during the meeting. 35440

(B) Notwithstanding division (C) of section 121.22 and 35441
sections 3335.06 and 3343.04 of the Revised Code, the board of 35442
trustees of a state institution of higher education, as defined in 35443
section 3345.011 of the Revised Code, may establish a policy that 35444
allows trustees to attend a meeting of the board of trustees via 35445
means of electronic communication. The policy shall specify at 35446
least all of the following: 35447

(1) The number of regular meetings at which each trustee 35448
shall be present in person, which may not be less than one-half of 35449
the regular meetings of the board annually; and 35450

(2) All of the following minimum standards regarding a 35451
meeting conducted using means of electronic communication: 35452

(a) That at least one-third of the trustees attending the 35453
meeting shall be present in person at the place where the meeting 35454
is conducted; 35455

(b) That all votes taken at the meeting are taken by roll call vote; and 35456
35457

(c) That a trustee who intends to attend a meeting via means of electronic communication notified the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency. 35458
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(C) Notwithstanding division (C) of section 121.22 and sections 3335.06 and 3343.04 of the Revised Code, a trustee who attends a meeting via means of electronic communication is considered to be present at the meeting, is counted for purposes of establishing a quorum, and may vote at the meeting. 35462
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(D) Except as provided in this section, no person shall limit the number of trustees who may attend a meeting via means of electronic communication, limit the total number of meetings that the board may conduct using means of electronic communication, limit the number of meetings in which any one trustee may attend via means of electronic communication, or impose other limits or obligations on a trustee by virtue of the trustee's attending a meeting via means of electronic communication. 35467
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Sec. 3365.01. As used in this chapter: 35475

(A) "Articulated credit" means post-secondary credit that is reflected on the official record of a student at an institution of higher education only upon enrollment at that institution after graduation from a secondary school. 35476
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(B) "Default ceiling amount" means one of the following amounts, whichever is applicable: 35480
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(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula: 35482
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$((0.83 \times \text{formula amount}) / 30)$ 35485

X number of enrolled credit hours	35486
(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	35487 35488 35489
$((0.83 \times \text{formula amount}) / 45)$	35490
X number of enrolled credit hours	35491
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	35492 35493
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	35494 35495 35496 35497
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	35498 35499 35500
(F) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code <u>means \$6,020.</u>	35501 35502
(G) "Governing entity" means a <u>any of the following:</u>	35503
<u>(1) A board of education of a school district,</u> a	35504
<u>(2) A governing authority of a community school established under Chapter 3314.,</u> a <u>of the Revised Code;</u>	35505 35506
<u>(3) A governing body of a STEM school established under Chapter 3326.,</u> or a <u>of the Revised Code;</u>	35507 35508
<u>(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;</u>	35509 35510
<u>(5) When referring to the state school for the deaf or the state school for the blind, the state board of education;</u>	35511 35512
<u>(6) When referring to an institution operated by the department of youth services, the superintendent of that institution.</u>	35513 35514 35515

(H) "Home-instructed participant" means a student who has 35516
been excused from the compulsory attendance law for the purpose of 35517
home instruction under section 3321.04 of the Revised Code, and is 35518
participating in the program established by this chapter. 35519

(I) "Maximum per participant charge amount" means one of the 35520
following amounts, whichever is applicable: 35521

(1) For a participant enrolled in a college operating on a 35522
semester schedule, the amount calculated according to the 35523
following formula: 35524

((formula amount / 30) 35525
X number of enrolled credit hours) 35526

(2) For a participant enrolled in a college operating on a 35527
quarter schedule, the amount calculated according to the following 35528
formula: 35529

((formula amount / 45) 35530
X number of enrolled credit hours) 35531

(J) "Nonpublic secondary school" means a chartered school for 35532
which minimum standards are prescribed by the state board of 35533
education pursuant to division (D) of section 3301.07 of the 35534
Revised Code. 35535

(K) "Number of enrolled credit hours" means the number of 35536
credit hours for a course in which a participant is enrolled 35537
during the previous term after the date on which a withdrawal from 35538
a course would have negatively affected the participant's 35539
transcripted grade, as prescribed by the college's established 35540
withdrawal policy. 35541

(L) "Parent" has the same meaning as in section 3313.64 of 35542
the Revised Code. 35543

(M) "Participant" means any student enrolled in a college 35544
under the program established by this chapter. 35545

(N) "Partnering college" means a college with which a public or nonpublic secondary school has entered into an agreement in order to offer the program established by this chapter.

(O) "Partnering secondary school" means a public or nonpublic secondary school with which a college has entered into an agreement in order to offer the program established by this chapter.

(P) "Private college" means any of the following:

(1) A nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(2) An institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code;

(3) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code.

(Q) "Public college" means a "state institution of higher education" in section 3345.011 of the Revised Code, excluding the northeast Ohio medical university.

(R) "Public secondary school" means a school serving grades nine through twelve in a city, local, or exempted village school district, a joint vocational school district, a community school established under Chapter 3314. of the Revised Code, a STEM school established under Chapter 3326. of the Revised Code, ~~or~~ a college-preparatory boarding school established under Chapter 3328. of the Revised Code, the state school for the deaf, the state school for the blind, or an institution operated by the department of youth services.

(S) "School year" has the same meaning as in section 3313.62

of the Revised Code. 35576

(T) "Secondary grade" means any of grades nine through 35577
twelve. 35578

(U) "Standard rate" means the amount per credit hour assessed 35579
by the college for an in-state student who is enrolled in an 35580
undergraduate course at that college, but who is not participating 35581
in the college credit plus program, as prescribed by the college's 35582
established tuition policy. 35583

(V) "Transcripted credit" means post-secondary credit that is 35584
conferred by an institution of higher education and is reflected 35585
on a student's official record at that institution upon completion 35586
of a course. 35587

Sec. 3365.02. (A) There is hereby established the college 35588
credit plus program under which, beginning with the 2015-2016 35589
school year, a secondary grade student who is a resident of this 35590
state may enroll at a college, on a full- or part-time basis, and 35591
complete nonsectarian, nonremedial courses for high school and 35592
college credit. The program shall govern arrangements in which a 35593
secondary grade student enrolls in a college and, upon successful 35594
completion of coursework taken under the program, receives 35595
transcripted credit from the college. The following are not 35596
governed by the college credit plus program: 35597

(1) An agreement governing an early college high school 35598
program, provided the program meets the definition set forth in 35599
division (F)(2) of section 3313.6013 of the Revised Code and is 35600
approved by the superintendent of public instruction and the 35601
chancellor of higher education; 35602

(2) An advanced placement course or international 35603
baccalaureate diploma course, as described in divisions (A)(2) and 35604
(3) of section 3313.6013 of the Revised Code; 35605

(3) A career-technical education program that is approved by the department of education under section 3317.161 of the Revised Code and grants articulated credit to students participating in that program. However, any portion of an approved program that results in the conferral of transcribed credit upon the completion of the course shall be governed by the college credit plus program.

(B) Any student enrolled in a public or nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; any student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade; and any student who has been excused from the compulsory attendance law for the purpose of home instruction under section 3321.04 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may participate in the program, if the student meets the applicable eligibility criteria in section 3365.03 of the Revised Code. If a nonchartered nonpublic secondary school student chooses to participate in the program, that student shall be subject to the same requirements as a home-instructed student who chooses to participate in the program under this chapter.

(C) All public secondary schools and all public colleges shall participate in the program and are subject to the requirements of this chapter. Any nonpublic secondary school or private college that chooses to participate in the program shall also be subject to the requirements of this chapter.

If a nonpublic secondary school chooses not to participate in the program, the school shall not be subject to the requirements of this chapter or any rule adopted by the chancellor of higher education or the state board of education for purposes of the college credit plus program.

(D) The chancellor, in accordance with Chapter 119. of the

Revised Code and in consultation with the state superintendent, 35638
shall adopt rules governing the program. 35639

Sec. 3365.03. (A) A student enrolled in a public or nonpublic 35640
secondary school during the student's ninth, tenth, eleventh, or 35641
twelfth grade school year; a student enrolled in a nonchartered 35642
nonpublic secondary school in the student's ninth, tenth, 35643
eleventh, or twelfth grade school year; or a student who has been 35644
excused from the compulsory attendance law for the purpose of home 35645
instruction under section 3321.04 of the Revised Code and is the 35646
equivalent of a ninth, tenth, eleventh, or twelfth grade student, 35647
may apply to and enroll in a college under the college credit plus 35648
program. 35649

(1) In order for a public secondary school student to 35650
participate in the program, all of the following criteria shall be 35651
met: 35652

(a) The student or the student's parent shall inform the 35653
principal, or equivalent, of the student's school by the first day 35654
of April of the student's intent to participate in the program 35655
during the following school year. Any student who fails to provide 35656
the notification by the required date may not participate in the 35657
program during the following school year without the written 35658
consent of the principal, or equivalent. If a student seeks 35659
consent from the principal after failing to provide notification 35660
by the required date, the principal shall notify the department of 35661
education of the student's intent to participate within ten days 35662
of the date on which the student seeks consent. If the principal 35663
does not provide written consent, the student may appeal the 35664
principal's decision to the governing entity of the school, except 35665
for a student who is enrolled in a school district, who may appeal 35666
the decision to the district superintendent. Not later than thirty 35667
days after the notification of the appeal, the district 35668

superintendent or governing entity shall hear the appeal and shall 35669
make a decision to either grant or deny that student's 35670
participation in the program. The decision of the district 35671
superintendent or governing entity shall be final. 35672

(b) The student shall: 35673

(i) Apply to a public or a participating private college, or 35674
an eligible out-of-state college participating in the program, in 35675
accordance with the college's established procedures for 35676
admission, pursuant to section 3365.05 of the Revised Code; 35677

(ii) As a condition of eligibility, ~~be~~ satisfy one of the 35678
following criteria: 35679

(I) Be remediation-free, in accordance with one of the 35680
assessments established under division (F) of section 3345.061 of 35681
the Revised Code. ~~However, a student who scores within one~~ 35682
~~standard error of measurement below the remediation free threshold~~ 35683
~~for one of those assessments shall be considered to have met this~~ 35684
~~requirement if the student also either:~~ 35685

~~(I) Has a cumulative high school grade point average of at~~ 35686
~~least 3.0. If the student is seeking to participate under section~~ 35687
~~3365.033 of the Revised Code, the student must have an equivalent~~ 35688
~~cumulative grade point average in the applicable grade levels.;~~ 35689

~~(II) Receives a recommendation from a school counselor,~~ 35690
~~principal, or career technical program advisor~~ Meet an alternative 35691
remediation-free eligibility option, as defined by the chancellor 35692
of higher education, in consultation with the superintendent of 35693
public instruction, in rules adopted under this section; 35694

(III) Have participated in the program prior to the effective 35695
date of this amendment and qualified to participate in the program 35696
by scoring within one standard error of measurement below the 35697
remediation-free threshold for one of the assessments established 35698
under division (F) of section 3345.061 of the Revised Code and 35699

satisfying one of the conditions specified under division 35700
(A)(1)(b)(ii)(I) or (II) of this section as those divisions 35701
existed prior to the effective date of this amendment. 35702

(iii) Meet the college's and relevant academic program's 35703
established standards for admission, enrollment, and course 35704
placement, including course-specific capacity limitations, 35705
pursuant to section 3365.05 of the Revised Code. 35706

(c) The student shall elect at the time of enrollment to 35707
participate under either division (A) or (B) of section 3365.06 of 35708
the Revised Code for each course under the program. 35709

(d) The student and the student's parent shall sign a form, 35710
provided by the school, stating that they have received the 35711
counseling required under division (B) of section 3365.04 of the 35712
Revised Code and that they understand the responsibilities they 35713
must assume in the program. 35714

(2) In order for a nonpublic secondary school student, a 35715
nonchartered nonpublic secondary school student, or a 35716
home-instructed student to participate in the program, both of the 35717
following criteria shall be met: 35718

(a) The student shall meet the criteria in divisions 35719
(A)(1)(b) and (c) of this section. 35720

(b)(i) If the student is enrolled in a nonpublic secondary 35721
school, that student shall send to the department of education a 35722
copy of the student's acceptance from a college and an 35723
application. The application shall be made on forms provided by 35724
the state board of education and shall include information about 35725
the student's proposed participation, including the school year in 35726
which the student wishes to participate; and the semesters or 35727
terms the student wishes to enroll during such year. The 35728
department shall mark each application with the date and time of 35729
receipt. 35730

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A)(1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A)(2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor ~~of higher education~~, in consultation with the superintendent of public instruction, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect

the student's eligibility at any public college for scholarships 35762
or for other benefits or opportunities that are available to 35763
first-time college students and are awarded by that college, 35764
regardless of the number of credit hours that the student 35765
completed under the program. 35766

(E) The college to which a student applies to participate 35767
under this section shall pay for one assessment used to determine 35768
that student's eligibility under this section. However, 35769
notwithstanding anything to the contrary in Chapter 3365. of the 35770
Revised Code, any additional assessments used to determine the 35771
student's eligibility shall be the financial responsibility of the 35772
student. 35773

Sec. 3365.032. (A) For purposes of this section: 35774

(1) The "expulsion of a student" or "expelling a student" 35775
means the following: 35776

(a) For a public secondary school that is a school operated 35777
by a city, local, exempted village, or joint vocational school 35778
district, community school established under Chapter 3314. of the 35779
Revised Code, or STEM school established under Chapter 3326. of 35780
the Revised Code, the expulsion of a student or the act of 35781
expelling a student under division (B) of section 3313.66 of the 35782
Revised Code; 35783

(b) For a public secondary school that is a 35784
college-preparatory boarding school, the expulsion of a student or 35785
the act of expelling a student in accordance with the school's 35786
bylaws adopted pursuant to section 3328.13 of the Revised Code; 35787

(c) For a public secondary school that is the state school 35788
for the deaf or the state school for the blind, the expulsion of a 35789
student or the act of expelling a student in accordance with rules 35790
adopted by the state board of education. 35791

(2) A "policy to deny high school credit for courses taken under the college credit plus program during an expulsion" means the following: 35792
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(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter 3314. of the Revised Code, or STEM school established under Chapter 3326. of the Revised Code, a policy adopted under section 3313.613 of the Revised Code; 35795
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(b) For a college-preparatory boarding school established under Chapter 3328. of the Revised Code, a policy adopted in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code; 35801
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(c) For the state school for the deaf or the state school for the blind, a policy adopted in accordance with any rules adopted by the state board requiring such a policy. 35805
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(B) When a public secondary school expels a student under division (B) of section 3313.66 of the Revised Code or, for a college preparatory boarding school established under Chapter 3328. of the Revised Code, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy under section 3313.613 of the Revised Code or, for a college preparatory boarding school, in accordance with the school's bylaws adopted pursuant to section 3328.13 of the Revised Code to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended under division (F) of section 3313.66 35808
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~~of the Revised Code or, for a college preparatory boarding school,~~ 35824
~~in accordance with the school's bylaws adopted pursuant to section~~ 35825
~~3328.13 of the Revised Code, the superintendent, or equivalent,~~ 35826
shall notify the college of the extension. 35827

~~(B)~~(C) A college may withdraw its acceptance under section 35828
3365.03 of the Revised Code of a student who is expelled from 35829
school ~~under division (B) of section 3313.66 of the Revised Code~~ 35830
~~or, for a college preparatory boarding school, in accordance with~~ 35831
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 35832
~~Revised Code.~~ As provided in section 3365.03 of the Revised Code, 35833
regardless of whether the college withdraws its acceptance of the 35834
student for the college term in which the student is expelled, the 35835
student is ineligible to enroll in a college under that section 35836
for subsequent college terms during the period of the expulsion, 35837
unless the student enrolls in another public school or a 35838
participating nonpublic school during that period. 35839

If a college withdraws its acceptance of an expelled student 35840
who elected either option of division (A)(1) or (2) of section 35841
3365.06 of the Revised Code, the college shall refund tuition and 35842
fees paid by the student in the same proportion that it refunds 35843
tuition and fees to students who voluntarily withdraw from the 35844
college at the same time in the term. 35845

If a college withdraws its acceptance of an expelled student 35846
who elected the option of division (B) of section 3365.06 of the 35847
Revised Code, the public school shall not award high school credit 35848
for the college courses in which the student was enrolled at the 35849
time the college withdrew its acceptance, and any reimbursement 35850
under section 3365.07 of the Revised Code for the student's 35851
attendance prior to the withdrawal shall be the same as would be 35852
paid for a student who voluntarily withdrew from the college at 35853
the same time in the term. If the withdrawal results in the 35854
college's receiving no reimbursement, the college or secondary 35855

school may require the student to return or pay for any textbooks 35856
and materials it provided the student free of charge. 35857

~~(C)(D)~~ When a student who elected the option of division (B) 35858
of section 3365.06 of the Revised Code is expelled ~~under division~~ 35859
~~(B) of section 3313.66 of the Revised Code or, for a~~ 35860
~~college preparatory boarding school, in accordance with the~~ 35861
~~school's bylaws adopted pursuant to section 3328.13 of the Revised~~ 35862
Code from a public school that has adopted a policy ~~under section~~ 35863
~~3313.613 of the Revised Code or, for a college preparatory~~ 35864
~~boarding school, in accordance with the school's bylaws adopted~~ 35865
~~pursuant to section 3328.13 of the Revised Code to deny high~~ 35866
school credit for courses taken under the college credit plus 35867
program during an expulsion, that election is automatically 35868
revoked for all college courses in which the student is enrolled 35869
during the college term in which the expulsion is imposed. Any 35870
reimbursement under section 3365.07 of the Revised Code for the 35871
student's attendance prior to the expulsion shall be the same as 35872
would be paid for a student who voluntarily withdrew from the 35873
college at the same time in the term. If the revocation results in 35874
the college's receiving no reimbursement, the college or secondary 35875
school may require the student to return or pay for any textbooks 35876
and materials it provided the student free of charge. 35877

Not later than five days after receiving an expulsion notice 35878
from the superintendent, or equivalent, of a public school that 35879
has adopted a policy ~~under section 3313.613 of the Revised Code~~ 35880
~~or, for a college preparatory boarding school, in accordance with~~ 35881
~~the school's bylaws adopted pursuant to section 3328.13 of the~~ 35882
~~Revised Code~~ to deny high school credit for courses taken under 35883
the college credit plus program during an expulsion, the college 35884
shall send a written notice to the expelled student that the 35885
student's election of division (B) of section 3365.06 of the 35886
Revised Code is revoked. If the college elects not to withdraw its 35887

acceptance of the student, the student shall pay all applicable 35888
tuition and fees for the college courses and shall pay for any 35889
textbooks and materials that the college or secondary school 35890
provided to the student. 35891

Sec. 3365.035. (A) As used in this section, "mature subject 35892
matter" means any course subject matter or material of a graphic, 35893
explicit, violent, or sexual nature. 35894

(B) The department of education and the department of higher 35895
education shall jointly develop a permission slip regarding the 35896
potential for mature subject matter in a course taken through the 35897
college credit plus program. The departments shall post the 35898
permission slip in a prominent place on their college credit plus 35899
program web sites. 35900

(C) For a student enrolled in a public, chartered nonpublic, 35901
or nonchartered nonpublic school or a home-instructed student to 35902
enroll in any college course under the college credit plus 35903
program, the parent of the student and the student shall sign and 35904
include the permission slip described in division (B) of this 35905
section within the student's application to the public college, 35906
participating private college, or eligible out-of-state college in 35907
which the student wishes to enroll. 35908

(D) Each public and participating private college and 35909
eligible out-of-state college participating in the program, upon 35910
admitting a student under the program, shall include in the 35911
college's enrollment materials the following: 35912

(1) A questionnaire for students, developed by the college, 35913
to answer in the affirmative acknowledging that the student 35914
possesses the necessary social and emotional maturity and is ready 35915
to accept the responsibility and independence that a college 35916
classroom demands and to resubmit to the college; 35917

<u>(2) Guidance on reviewing any course materials available</u>	35918
<u>prior to enrolling in a course;</u>	35919
<u>(3) Information about the college's and the program's</u>	35920
<u>policies on withdrawing from or dropping a course;</u>	35921
<u>(4) Information about the student's right to speak with the</u>	35922
<u>student's high school counselor or with the academic advisor</u>	35923
<u>assigned to the student as prescribed in division (F) of section</u>	35924
<u>3365.05 of the Revised Code.</u>	35925
<u>(E) Each public and participating private college and</u>	35926
<u>eligible out-of-state college participating in the program shall</u>	35927
<u>include a discussion at student orientation about the potential</u>	35928
<u>for mature subject matter in courses taken through the program.</u>	35929
<u>(F) The department of education, the department of higher</u>	35930
<u>education, and each public and participating private college and</u>	35931
<u>eligible out-of-state college participating in the program shall</u>	35932
<u>post in a prominent place on their college credit plus program web</u>	35933
<u>sites the following disclaimer:</u>	35934
<u>"The subject matter of a course enrolled in under the college</u>	35935
<u>credit plus program may include mature subject matter or</u>	35936
<u>materials, including those of a graphic, explicit, violent, or</u>	35937
<u>sexual nature, that will not be modified based upon college credit</u>	35938
<u>plus enrollee participation regardless of where course instruction</u>	35939
<u>occurs."</u>	35940
Sec. 3365.04. Each public and participating nonpublic	35941
secondary school shall do all of the following with respect to the	35942
college credit plus program:	35943
(A) Provide information about the program prior to the first	35944
day of February of each year to all students enrolled in grades	35945
six through eleven;	35946
(B) Provide counseling services to students in grades six	35947

through eleven and to their parents before the students	35948
participate in the program under this chapter to ensure that	35949
students and parents are fully aware of the possible consequences	35950
and benefits of participation. Counseling information shall	35951
include:	35952
(1) Program eligibility;	35953
(2) The process for granting academic credits;	35954
(3) Any necessary financial arrangements for tuition,	35955
textbooks, and fees;	35956
(4) Criteria for any transportation aid;	35957
(5) Available support services;	35958
(6) Scheduling;	35959
(7) Communicating the possible consequences and benefits of	35960
participation, including all of the following:	35961
(a) The consequences of failing or not completing a course	35962
under the program, including the effect on the student's ability	35963
to complete the secondary school's graduation requirements;	35964
(b) The effect of the grade attained in a course under the	35965
program being included in the student's grade point average, as	35966
applicable;	35967
(c) The benefits to the student for successfully completing a	35968
course under the program, including the ability to reduce the	35969
overall costs of, and the amount of time required for, a college	35970
education.	35971
(8) The academic and social responsibilities of students and	35972
parents under the program;	35973
(9) Information about and encouragement to use the counseling	35974
services of the college in which the student intends to enroll;	35975
(10) The standard packet of information for the program	35976

developed by the chancellor of higher education pursuant to 35977
section 3365.15 of the Revised Code; 35978

For a participating nonpublic secondary school, counseling 35979
information shall also include an explanation that funding may be 35980
limited and that not all students who wish to participate may be 35981
able to do so. 35982

(11) Information about the potential for mature subject 35983
matter, as defined in section 3365.035 of the Revised Code, in 35984
courses in which the student intends to enroll through the program 35985
and notification that courses will not be modified based upon 35986
program enrollee participation regardless of where course 35987
instruction occurs. The information shall include the permission 35988
slip described in division (B) of section 3365.035 of the Revised 35989
Code. 35990

(C) Promote the program on the school's web site, including 35991
the details of the school's current agreements with partnering 35992
colleges; 35993

(D) Schedule at least one informational session per school 35994
year to allow each participating college that is located within 35995
thirty miles of the school to meet with interested students and 35996
parents. The session shall include the benefits and consequences 35997
of participation and shall outline any changes or additions to the 35998
requirements of the program. If there are no participating 35999
colleges located within thirty miles of the school, the school 36000
shall coordinate with the closest participating college to offer 36001
an informational session. 36002

For the purposes of division (D) of this section, 36003
"participating college" shall include both of the following: 36004

(1) A partnering college; 36005

(2) Any public college, private college, or eligible 36006
out-of-state college to which both of the following ~~applies~~ apply: 36007

(a) The college participates in the college credit plus program. 36008
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(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session. 36010
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A)(2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A)(2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program. 36013
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(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program. 36025
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(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the superintendent of public instruction pursuant to section 3365.15 of the Revised Code. 36028
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Sec. 3365.07. The department of education shall calculate and pay state funds to colleges for participants in the college credit plus program under division (B) of section 3365.06 of the Revised Code pursuant to this section. For a nonpublic secondary school participant, a nonchartered nonpublic secondary school participant, or a home-instructed participant, the department shall pay state funds pursuant to this section only if that 36032
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participant is awarded funding according to rules adopted by the 36039
chancellor of higher education, in consultation with the 36040
superintendent of public instruction, pursuant to section 3365.071 36041
of the Revised Code. The program shall be the sole mechanism by 36042
which state funds are paid to colleges for students to earn 36043
transcripted credit for college courses while enrolled in both a 36044
secondary school and a college, with the exception of state funds 36045
paid to colleges according to an agreement described in division 36046
(A)(1) of section 3365.02 of the Revised Code. 36047

(A) For each public or nonpublic secondary school participant 36048
enrolled in a public college: 36049

(1) If no agreement has been entered into under division 36050
(A)(2) of this section, both of the following shall apply: 36051

(a) The department shall pay to the college the applicable 36052
amount as follows: 36053

(i) For a participant enrolled in a college course delivered 36054
on the college campus, at another location operated by the 36055
college, or online, the lesser of the default ceiling amount or 36056
the college's standard rate; 36057

(ii) For a participant enrolled in a college course delivered 36058
at the participant's secondary school but taught by college 36059
faculty, the lesser of fifty per cent of the default ceiling 36060
amount or the college's standard rate; 36061

(iii) For a participant enrolled in a college course 36062
delivered at the participant's secondary school and taught by a 36063
high school teacher who has met the credential requirements 36064
established for purposes of the program in rules adopted by the 36065
chancellor, the default floor amount. 36066

(b) The participant's secondary school shall pay for 36067
textbooks, and the college shall waive payment of all other fees 36068

related to participation in the program. 36069

(2) The governing entity of a participant's secondary school 36070
and the college may enter into an agreement to establish an 36071
alternative payment structure for tuition, textbooks, and fees. 36072
Under such an agreement, payments for each participant made by the 36073
department shall be not less than the default floor amount, unless 36074
approved by the chancellor, and not more than either the default 36075
ceiling amount or the college's standard rate, whichever is less. 36076
The chancellor may approve an agreement that includes a payment 36077
below the default floor amount, as long as the provisions of the 36078
agreement comply with all other requirements of this chapter to 36079
ensure program quality. If no agreement is entered into under 36080
division (A)(2) of this section, both of the following shall 36081
apply: 36082

(a) The department shall pay to the college the applicable 36083
default amounts prescribed by division (A)(1)(a) of this section, 36084
depending upon the method of delivery and instruction. 36085

(b) In accordance with division (A)(1)(b) of this section, 36086
the participant's secondary school shall pay for textbooks, and 36087
the college shall waive payment of all other fees related to 36088
participation in the program. 36089

(3) No participant that is enrolled in a public college shall 36090
be charged for any tuition, textbooks, or other fees related to 36091
participation in the program. 36092

(B) For each public secondary school participant enrolled in 36093
a private college: 36094

(1) If no agreement has been entered into under division 36095
(B)(2) of this section, the department shall pay to the college 36096
the applicable amount calculated in the same manner as in division 36097
(A)(1)(a) of this section. 36098

(2) The governing entity of a participant's secondary school 36099

and the college may enter into an agreement to establish an 36100
alternative payment structure for tuition, textbooks, and fees. 36101
Under such an agreement, payments shall be not less than the 36102
default floor amount, unless approved by the chancellor, and not 36103
more than either the default ceiling amount or the college's 36104
standard rate, whichever is less. 36105

If an agreement is entered into under division (B)(2) of this 36106
section, both of the following shall apply: 36107

(a) The department shall make a payment to the college for 36108
each participant that is equal to the default floor amount, unless 36109
approved by the chancellor to pay an amount below the default 36110
floor amount. The chancellor may approve an agreement that 36111
includes a payment below the default floor amount, as long as the 36112
provisions of the agreement comply with all other requirements of 36113
this chapter to ensure program quality. 36114

(b) Payment for costs for the participant that exceed the 36115
amount paid by the department pursuant to division (B)(2)(a) of 36116
this section shall be negotiated by the school and the college. 36117
The agreement may include a stipulation permitting the charging of 36118
a participant. 36119

However, under no circumstances shall: 36120

(i) Payments for a participant made by the department under 36121
division (B)(2) of this section exceed the lesser of the default 36122
ceiling amount or the college's standard rate; 36123

(ii) The amount charged to a participant under division 36124
(B)(2) of this section exceed the difference between the maximum 36125
per participant charge amount and the default floor amount; 36126

(iii) The sum of the payments made by the department for a 36127
participant and the amount charged to that participant under 36128
division (B)(2) of this section exceed the following amounts, as 36129
applicable: 36130

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;	36131 36132 36133
(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;	36134 36135 36136
(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.	36137 36138 36139 36140 36141
(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.	36142 36143 36144 36145
(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.	36146 36147 36148 36149 36150 36151 36152
However, under no circumstances shall:	36153
(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.	36154 36155 36156
(2) Any nonpublic secondary school participant, who is enrolled in that secondary school with a scholarship awarded under either the educational choice scholarship pilot program, as prescribed by sections 3310.01 to 3310.17, or the pilot project scholarship program, as prescribed by sections 3313.974 to	36157 36158 36159 36160 36161

3313.979 of the Revised Code, and who qualifies as a low-income student under either of those programs, be charged for any tuition, textbooks, or other fees related to participation in the college credit plus program.

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term, each college expecting to receive payment for the costs of a participant under this section shall notify the department of the number of enrolled credit hours for each participant.

(F) The department shall make the applicable payments under this section to each college, which provided proper notification to the department under division (E) of this section, for the number of enrolled credit hours for participants enrolled in the college under division (B) of section 3365.06 of the Revised Code. Except in cases involving incomplete participant information or a dispute of participant information, payments shall be made by the last day of January for participants who were enrolled during the fall term and by the last day of July for participants who were enrolled during the spring term. The department shall not make any payments to a college under this section if a participant withdrew from a course prior to the date on which a withdrawal from the course would have negatively affected the participant's transcribed grade, as prescribed by the college's established withdrawal policy.

(1) Payments made for public secondary school participants under this section shall be deducted as follows:

(a) For a participant enrolled in a school district, from the 36194
school foundation payments made to the participant's school 36195
district ~~or, if the participant is enrolled in a community school,~~ 36196
~~a STEM school, or a college preparatory boarding school, from the~~ 36197
~~payments made to that school under section 3314.08, 3326.33, or~~ 36198
~~3328.34 of the Revised Code.~~ If the participant is enrolled in a 36199
joint vocational school district, a portion of the amount shall be 36200
deducted from the payments to the joint vocational school district 36201
and a portion shall be deducted from the payments to the 36202
participant's city, local, or exempted village school district in 36203
accordance with the full-time equivalency of the student's 36204
enrollment in each district. 36205

(b) For a participant enrolled in a community school 36206
established under Chapter 3314. of the Revised Code, from the 36207
payments made to that school under section 3314.08 of the Revised 36208
Code; 36209

(c) For a participant enrolled in a STEM school, from the 36210
payments made to that school under section 3326.33 of the Revised 36211
Code; 36212

(d) For a participant enrolled in a college-preparatory 36213
boarding school, from the payments made to that school under 36214
section 3328.34 of the Revised Code; 36215

(e) For a participant enrolled in the state school for the 36216
deaf or the state school for the blind, from the amount paid to 36217
that school with funds appropriated by the general assembly for 36218
support of that school; 36219

(f) For a participant enrolled in an institution operated by 36220
the department of youth services, from the amount paid to that 36221
institution with funds appropriated by the general assembly for 36222
support of that institution. Amounts 36223

Amounts deducted under ~~division~~ divisions (F)(1)(a) to (f) of 36224

this section shall be calculated in accordance with rules adopted 36225
by the chancellor, in consultation with the state superintendent, 36226
pursuant to division (B) of section 3365.071 of the Revised Code 36227

(2) Payments made for nonpublic secondary school 36228
participants, nonchartered nonpublic secondary school 36229
participants, and home-instructed participants under this section 36230
shall be deducted from moneys appropriated by the general assembly 36231
for such purpose. Payments shall be allocated and distributed in 36232
accordance with rules adopted by the chancellor, in consultation 36233
with the state superintendent, pursuant to division (A) of section 36234
3365.071 of the Revised Code. 36235

(G) Any public college that enrolls a student under division 36236
(B) of section 3365.06 of the Revised Code may include that 36237
student in the calculation used to determine its state share of 36238
instruction funds appropriated to the department of higher 36239
education by the general assembly. 36240

Sec. 3501.302. The secretary of state may enter into 36241
agreements for the bulk purchase of election supplies in order to 36242
reduce the costs for such purchases by individual boards of 36243
elections. A board of elections desiring to participate in such 36244
purchase agreements shall file with the secretary of state a 36245
written request for inclusion. A request for inclusion shall 36246
include an agreement to be bound by such terms and conditions as 36247
the secretary of state prescribes and to make direct payments to 36248
the vendor under each purchase agreement. 36249

Nothing in this section prohibits a board of elections from 36250
purchasing election supplies through the department of 36251
administrative services under section 125.04 of the Revised Code. 36252

Sec. 3701.132. (A) As used in this section, "WIC program" 36253
means the "special supplemental nutrition program for women, 36254

infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 36255
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(B) The department of health is hereby designated as the state agency to administer the WIC program. 36257
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The director of health shall adopt rules pursuant to Chapter 119. of the Revised Code as necessary for administering the WIC program. The rules may include civil money penalties for violations of the rules. ~~The rules shall require a contract the department enters into with a WIC clinic to include provisions requiring the clinic to promote the use of technology based resources, such as mobile telephone or text messaging applications, that offer tips on having a healthy pregnancy and healthy baby to clinic clients who are pregnant or have an infant who is less than one year of age.~~ 36259
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(C) In determining eligibility for services provided under the WIC program, the department may use the application form established under section 5163.40 of the Revised Code for the healthy start program. The department may require applicants to furnish their social security numbers. 36269
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(D) If the department determines that a vendor has committed an act with respect to the WIC program that federal statutes or regulations or state statutes or rules prohibit, the department shall take action against the vendor in the manner required by 7 C.F.R. part 246, including imposition of a civil money penalty in accordance with 7 C.F.R. 246.12, or rules adopted under this section. 36274
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Sec. 3701.362. (A) Each of the health care facilities and providers identified in division (B) of this section shall do both of the following: 36281
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(1) Establish a system for identifying patients or residents 36284

who could benefit from palliative care;	36285
(2) Provide information on palliative care to patients and residents who could benefit from palliative care.	36286 36287
(B) Division (A) of this section applies to all of the following:	36288 36289
(1) A hospital registered under section 3701.07 of the Revised Code;	36290 36291
(2) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	36292 36293
(3) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;	36294 36295 36296
(4) A veterans' home operated under Chapter 5907. of the Revised Code;	36297 36298
(5) A hospice care program or pediatric respite care program, as defined in section 3712.01 of the Revised Code;	36299 36300
(6) A home health agency, as defined in section 3701.881 <u>3740.01</u> of the Revised Code.	36301 36302
Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section.	36303 36304 36305 36306
(2) Division (A)(1) of this section does not apply in either of the following circumstances:	36307 36308
(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices;	36309 36310 36311
(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of	36312 36313

the child communicate their decision to forgo the screening. 36314

(B) There is hereby created the newborn screening advisory 36315
council to advise the director of health regarding the screening 36316
of newborn children for genetic, endocrine, and metabolic 36317
disorders. The council shall engage in an ongoing review of the 36318
newborn screening requirements established under this section and 36319
shall provide recommendations and reports to the director as the 36320
director requests and as the council considers necessary. The 36321
director may assign other duties to the council, as the director 36322
considers appropriate. 36323

The council shall consist of fourteen members appointed by 36324
the director. In making appointments, the director shall select 36325
individuals and representatives of entities with interest and 36326
expertise in newborn screening, including such individuals and 36327
entities as health care professionals, hospitals, children's 36328
hospitals, regional genetic centers, regional sickle cell centers, 36329
newborn screening coordinators, and members of the public. 36330

The department of health shall provide meeting space, staff 36331
services, and other technical assistance required by the council 36332
in carrying out its duties. Members of the council shall serve 36333
without compensation, but shall be reimbursed for their actual and 36334
necessary expenses incurred in attending meetings of the council 36335
or performing assignments for the council. 36336

The council is not subject to sections 101.82 to 101.87 of 36337
the Revised Code. 36338

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 36339
director of health shall adopt rules in accordance with Chapter 36340
119. of the Revised Code specifying the disorders for which each 36341
newborn child must be screened. 36342

(b) In adopting the rules, all of the following apply: 36343

(i) The director shall specify Krabbe disease as a disorder 36344

for which a newborn child who is born on or after July 1, 2016, 36345
must be screened. 36346

(ii) The director shall specify spinal muscular atrophy and 36347
X-linked adrenoleukodystrophy as disorders for which a newborn 36348
child who is born on or after the date that is two hundred forty 36349
days after the effective date of this amendment must be screened. 36350

(iii) Not later than six months after receiving a 36351
recommendation as described in division (C)(3)(b) of this section, 36352
the director shall specify for screening a disorder recommended as 36353
described in division (C)(3)(b) of this section, with such 36354
screening to begin not later than one year after the date that the 36355
rule specifying the disorder for screening becomes effective. 36356

(2) The newborn screening advisory council shall evaluate 36357
genetic, metabolic, and endocrine disorders to assist the director 36358
in determining which disorders should be included in the 36359
screenings required under this section. In determining whether a 36360
disorder should be included, the council shall consider all of the 36361
following: 36362

(a) The disorder's incidence, mortality, and morbidity; 36363

(b) Whether the disorder causes disability if diagnosis, 36364
treatment, and early intervention are delayed; 36365

(c) The potential for successful treatment of the disorder; 36366

(d) The expected benefits to children and society in relation 36367
to the risks and costs associated with screening for the disorder; 36368

(e) Whether a screening for the disorder can be conducted 36369
without taking an additional blood sample or specimen; 36370

(f) Whether the secretary of the United States department of 36371
health and human services has included the disorder in the federal 36372
recommended uniform screening panel. 36373

(3)(a) Based on the considerations specified in division 36374

(C)(2) of this section, the council shall make recommendations to 36375
the director of health for the adoption of rules under division 36376
(C)(1) of this section. ~~The~~ 36377

(b) In the case of a disorder included within the federal 36378
recommended uniform screening panel, the council shall determine 36379
not later than six months after the date of the disorder's 36380
inclusion on the federal panel whether or not to recommend to the 36381
director that each newborn child be screened for the disorder. If 36382
the council recommends screening for the disorder, the council 36383
shall submit to the director as soon as practicable a 36384
recommendation for such screening. 36385

(c) The director shall promptly and thoroughly review each 36386
recommendation the council submits. 36387

(D) The director shall adopt rules in accordance with Chapter 36388
119. of the Revised Code establishing standards and procedures for 36389
the screenings required by this section. The rules shall include 36390
standards and procedures for all of the following: 36391

(1) Causing rescreenings to be performed when initial 36392
screenings have abnormal results; 36393

(2) Designating the person or persons who will be responsible 36394
for causing screenings and rescreenings to be performed; 36395

(3) Giving to the parents of a child notice of the required 36396
initial screening and the possibility that rescreenings may be 36397
necessary; 36398

(4) Communicating to the parents of a child the results of 36399
the child's screening and any rescreenings that are performed; 36400

(5) Giving notice of the results of an initial screening and 36401
any rescreenings to the person who caused the child to be screened 36402
or rescreened, or to another person or government entity when the 36403
person who caused the child to be screened or rescreened cannot be 36404

contacted; 36405

(6) Referring children who receive abnormal screening or 36406
rescreening results to providers of follow-up services, including 36407
the services made available through funds disbursed under division 36408
(F) of this section. 36409

(E)(1) Except as provided in divisions (E)(2) and (3) of this 36410
section, all newborn screenings required by this section shall be 36411
performed by the public health laboratory authorized under section 36412
3701.22 of the Revised Code. 36413

(2) If the director determines that the public health 36414
laboratory is unable to perform screenings for all of the 36415
disorders specified in the rules adopted under division (C) of 36416
this section, the director shall select another laboratory to 36417
perform the screenings. The director shall select the laboratory 36418
by issuing a request for proposals. The director may accept 36419
proposals submitted by laboratories located outside this state. At 36420
the conclusion of the selection process, the director shall enter 36421
into a written contract with the selected laboratory. If the 36422
director determines that the laboratory is not complying with the 36423
terms of the contract, the director shall immediately terminate 36424
the contract and another laboratory shall be selected and 36425
contracted with in the same manner. 36426

(3) Any rescreening caused to be performed pursuant to this 36427
section may be performed by the public health laboratory or one or 36428
more other laboratories designated by the director. Any laboratory 36429
the director considers qualified to perform rescreenings may be 36430
designated, including a laboratory located outside this state. If 36431
more than one laboratory is designated, the person responsible for 36432
causing a rescreening to be performed is also responsible for 36433
selecting the laboratory to be used. 36434

(F)(1) The director shall adopt rules in accordance with 36435

Chapter 119. of the Revised Code establishing a fee that shall be 36436
charged and collected in addition to or in conjunction with any 36437
laboratory fee that is charged and collected for performing the 36438
screenings required by this section. The fee, which shall be not 36439
less than fourteen dollars, shall be disbursed as follows: 36440

(a) Not less than ten dollars and twenty-five cents shall be 36441
deposited in the state treasury to the credit of the genetics 36442
services fund, which is hereby created. Not less than seven 36443
dollars and twenty-five cents of each fee credited to the genetics 36444
services fund shall be used to defray the costs of the programs 36445
authorized by section 3701.502 of the Revised Code. Not less than 36446
three dollars from each fee credited to the genetics services fund 36447
shall be used to defray costs of phenylketonuria programs. 36448

(b) Not less than three dollars and seventy-five cents shall 36449
be deposited into the state treasury to the credit of the sickle 36450
cell fund, which is hereby created. Money credited to the sickle 36451
cell fund shall be used to defray costs of programs authorized by 36452
section 3701.131 of the Revised Code. 36453

(2) In adopting rules under division (F)(1) of this section, 36454
the director shall not establish a fee that differs according to 36455
whether a screening is performed by the public health laboratory 36456
or by another laboratory selected by the director pursuant to 36457
division (E)(2) of this section. 36458

Sec. 3701.61. (A) The department of health shall establish 36459
the help me grow program as the state's evidence-based parent 36460
support program that encourages early prenatal and well-baby care, 36461
as well as provides parenting education to promote the 36462
comprehensive health and development of children. The program 36463
shall ~~also~~ provide home visiting services to families with a 36464
pregnant woman or ~~an infant or toddler~~ child under ~~three~~ five 36465
years of age ~~who~~ that meet the eligibility requirements 36466

established in rules adopted under this section. Home visiting 36467
services shall be provided through evidence-based home visiting 36468
models or innovative, promising home visiting models recommended 36469
by the Ohio home visiting consortium created under section 36470
3701.612 of the Revised Code. 36471

(B) Families shall be referred to the appropriate home 36472
visiting services through the central intake and referral system 36473
created under section 3701.611 of the Revised Code. 36474

(C) To the extent possible, the goals of the help me grow 36475
program shall be consistent with the goals of the federal home 36476
visiting program, as specified by the maternal and child health 36477
bureau of the health resources and services administration in the 36478
United States department of health and human services or its 36479
successor. 36480

(D) The director of health may enter into an interagency 36481
agreement with one or more state agencies to implement the help me 36482
grow program and ensure coordination of early childhood programs. 36483

(E) The director may distribute help me grow program funds 36484
through contracts, grants, or subsidies to entities providing 36485
services under the program. 36486

(F) As a condition of receiving payments for home visiting 36487
services, providers shall ~~do both of the following:~~ 36488

~~(1) Promote the use of technology based resources, such as 36489
mobile telephone or text messaging applications, that offer tips 36490
on having a healthy pregnancy and healthy baby to families with a 36491
pregnant woman or infant who is less than one year of age;~~ 36492

~~(2) Report report to the director data on the program 36493
performance indicators, specified in rules adopted under division 36494
(G) of this section, that are used to assess progress toward 36495
achieving all of the following: 36496~~

~~(a)~~(1) The benchmark domains established for the federal home visiting program, including improvement in maternal and newborn health; reduction in child injuries, abuse, and neglect; improved school readiness and achievement; reduction in crime and domestic violence; and improved family economic self-sufficiency;

~~(b)~~(2) Improvement in birth outcomes and reduction in stillbirths, as that term is defined in section 3701.97 of the Revised Code;

~~(c)~~(3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.

The providers shall report the data in the format and within the time frames specified in the rules.

The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of health.

(G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:

(1) Subject to division (H) of this section, eligibility requirements for home visiting services;

(2) Eligibility requirements for providers of home visiting services;

(3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;

(4) Procedures for appealing the denial of an application for program services or the termination of services;

(5) Procedures for appealing the denial of an application to

become a provider of program services or the termination of the department's approval of a provider;

(6) Procedures for addressing complaints;

(7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services;

(8) The format in which reports must be submitted under division (F) of this section and the time frames within which the reports must be submitted;

(9) Criteria for payment of approved providers of program services;

(10) Any other rules necessary to implement the program.

(H) When adopting rules required by division (G)(1) of this section, the department shall specify that families residing in the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code are to receive priority over other families for home visiting services.

Sec. 3701.613. Beginning in fiscal year 2018, the department of health shall facilitate and allocate funds for a ~~biannual~~ biennial summit on home visiting programs. The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:

(A) Share the latest research on evidence-based and innovative, promising home visiting models;

(B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models;

(C) Discuss strategies to reduce tobacco use by families participating in home visiting programs; 36557
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(D) Present successes and challenges encountered by home visiting programs. 36559
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Sec. 3701.831. The director of health may assess the 36561
operating funds of the department to pay a share of the 36562
department's administrative costs. The assessments shall be based 36563
on a plan that the director develops ~~and submits to the office of~~ 36564
~~budget and management not later than the fifteenth day of July of~~ 36565
~~the fiscal year in which the assessments are to be made. If the~~ 36566
~~office of budget and management determines that the assessments~~ 36567
~~proposed in the plan can be implemented with uniformity and~~ 36568
~~administrative ease, it shall approve the plan within two weeks~~ 36569
~~after it is submitted.~~ Assessments shall be paid from the funds 36570
designated in the plan and credited by means of intrastate 36571
transfer voucher to the central support indirect fund which is 36572
hereby created in the state treasury. The fund shall be 36573
administered by the director of health and used to pay 36574
administrative costs of the department of health. 36575

Sec. 3701.916. (A) As used in this section, "direct care" and 36576
"home health agency" have the same meanings as in section ~~3701.881~~ 36577
3740.01 of the Revised Code. 36578

(B) For the purpose of identifying jobs that are in demand in 36579
this state under section 6301.11 of the Revised Code, direct care 36580
provided by a home health agency shall be considered a targeted 36581
industry sector as identified by the governor's office of 36582
workforce transformation. 36583

(C) The director of job and family services shall review the 36584
criteria for any program that provides occupational training, 36585
adult education, or career pathway assistance through a grant or 36586

other source of funding to determine whether an employee of a home health agency may participate in the program, and, to the extent possible, make any necessary changes to the criteria to allow a home health agency employee to participate in the program.

Sec. 3703.01. (A) Except as otherwise provided in this section, the division of industrial compliance in the department of commerce shall do all of the following:

(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code;

(2) Condemn all unsanitary or defective plumbing that is found in connection with those places;

(3) Order changes in plumbing necessary to insure the safety of the public health.

(B)(1)(a) The division of industrial compliance, boards of health of city and general health districts, and county building departments shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any municipal corporation that is certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority for plumbing in those types of buildings.

(b) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district that ~~employs~~ has given the division written notice that it intends to inspect plumbing in the particular types of buildings and that either:

(i) Employs one or more plumbing inspectors, certified pursuant to ~~division (D) of this section 3781.10 of the Revised Code,~~ to enforce Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters relating to plumbing in those types of buildings;

(ii) Has a contract with a board of county commissioners or another board of health, entered pursuant to division (C) of this section, that authorizes a county building department or the other board of health to inspect plumbing in the particular types of buildings in the health district. 36617
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~~(c) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the county building department is authorized to inspect those types of buildings pursuant to a contract described in division (C)(1) of this section.~~ 36622
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~~(d) The division shall not inspect plumbing or collect fees for inspecting plumbing in particular types of buildings in any health district where the board of health has entered into a contract with the board of health of another district to conduct inspections pursuant to division (C)(2) of this section.~~ 36627
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(2) No county building department shall inspect plumbing or collect fees for inspecting plumbing in any type of building in a health district unless the department is authorized to inspect that type of building pursuant to a contract described in division (C)(1) of this section. 36632
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(3) No municipal corporation shall inspect plumbing or collect fees for inspecting plumbing in types of buildings for which it is not certified by the board of building standards under section 3781.10 of the Revised Code to exercise enforcement authority. 36637
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~~(4) No board of health of a health district shall inspect plumbing or collect fees for inspecting plumbing in types of buildings for which it does not have a plumbing inspector certified pursuant to division (D) of this section.~~ 36642
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(C)(1) The board of health of a health district may enter into a contract with a board of county commissioners to authorize 36646
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the county building department to inspect plumbing in buildings 36648
within the health district. The contract may designate that the 36649
department inspect either residential or nonresidential buildings, 36650
as those terms are defined in section 3781.06 of the Revised Code, 36651
or both types of buildings, ~~so long as the department employs or~~ 36652
~~contracts with a plumbing inspector certified pursuant to division~~ 36653
~~(D) of this section to inspect the types of buildings the contract~~ 36654
~~designates. The board of health may enter into a contract~~ 36655
~~regardless of whether the health district employs any certified~~ 36656
~~plumbing inspectors to enforce Chapters 3781. and 3791. of the~~ 36657
~~Revised Code.~~ 36658

(2) The board of health of a health district, ~~regardless of~~ 36659
~~whether it employs any certified plumbing inspectors to enforce~~ 36660
~~Chapters 3781. and 3791. of the Revised Code,~~ may enter into a 36661
contract with the board of health of another health district to 36662
authorize that board to inspect plumbing in buildings within the 36663
contracting board's district. The contract may designate the 36664
inspection of either residential or nonresidential buildings as 36665
defined in section 3781.06 of the Revised Code, or both types of 36666
buildings, ~~so long as the board that performs the inspections~~ 36667
~~employs a plumbing inspector certified pursuant to division (D) of~~ 36668
~~this section to inspect the types of buildings the contract~~ 36669
~~designates.~~ 36670

(D) ~~The superintendent of industrial compliance shall adopt~~ 36671
~~rules prescribing minimum qualifications based on education,~~ 36672
~~training, experience, or demonstrated ability, that the~~ 36673
~~superintendent shall use in certifying or recertifying plumbing~~ 36674
~~inspectors to do plumbing inspections for health districts and~~ 36675
~~county building departments that are authorized to perform~~ 36676
~~inspections pursuant to a contract under division (C)(1) of this~~ 36677
~~section, and for continuing education of plumbing inspectors.~~ 36678
~~Those minimum qualifications shall be related to the types of~~ 36679

~~buildings for which a person seeks certification.~~ 36680

~~(E) The superintendent may enter into reciprocal registration, licensure, or certification agreements with other states and other agencies of this state relative to plumbing inspectors if both of the following apply:~~ 36681

~~(1) The requirements for registration, licensure, or certification of plumbing inspectors under the laws of the other state or laws administered by the other agency are substantially equal to the requirements the superintendent adopts under division (D) of this section for certifying plumbing inspectors.~~ 36682
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~~(2) The other state or agency extends similar reciprocity to persons certified under this chapter.~~ 36685
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~~(F) The superintendent may select and contract with one or more persons to do all of the following regarding examinations for certification of plumbing inspectors:~~ 36690
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~~(1) Prepare, administer, score, and maintain the confidentiality of the examination;~~ 36692
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~~(2) Maintain responsibility for all expenses required to comply with division (F)(1) of this section;~~ 36695
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~~(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes;~~ 36697
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~~(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing.~~ 36701
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~~(G) Standards and methods prescribed in local plumbing regulations shall not be less than those prescribed in Chapters 3781. and 3791. of the Revised Code and the rules adopted pursuant to those chapters.~~ 36704
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~~(H)(E) Notwithstanding any other provision of this section, the division shall make a plumbing inspection of any building or~~ 36708
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other place that there is reason to believe is in a condition to 36710
be a menace to the public health. 36711

Sec. 3703.03. In the administration of sections 3703.01 to 36712
3703.08 of the Revised Code, the division of industrial compliance 36713
shall enforce rules governing plumbing adopted by the board of 36714
building standards under authority of sections 3781.10 and 3781.11 36715
of the Revised Code, ~~and register those persons engaged in or at~~ 36716
~~the plumbing business.~~ 36717

Plans and specifications for all plumbing to be installed in 36718
or for buildings coming within such sections shall be submitted to 36719
and approved by the division before the contract for plumbing is 36720
let. 36721

Sec. 3709.01. The state shall be divided into health 36722
districts. ~~Each~~ As provided in this section, the health districts 36723
shall consist of city health districts and general health 36724
districts. 36725

Until the date that is two years after the date of the 36726
official announcement of the result of the 2020 federal census, 36727
each city constitutes a city health district. Beginning on the 36728
date that is two years after the date of the official announcement 36729
of the result of the 2020 federal census and again on the date 36730
that is not more than two years after the date of the official 36731
announcement of the result of each successive federal decennial 36732
census, each city with a population of fifty thousand or more 36733
constitutes a health district. 36734

~~The~~ Until the date that is two years after the date of the 36735
official announcement of the result of the 2020 federal census, 36736
the townships and villages in each county shall be combined into a 36737
general health district. Beginning on the date that is two years 36738
after the date of the official announcement of the result of the 36739

2020 federal census and again on the date that is not more than 36740
two years after the official announcement of the result of each 36741
successive federal decennial census, the cities each with 36742
populations less than fifty thousand, townships, and villages in 36743
each county shall be combined into a general health district. 36744

As provided for in sections 3709.051, 3709.07, and 3709.10 of 36745
the Revised Code, there may be a union of two or more general 36746
health districts, a union of two or more city health districts to 36747
form a single city health district, or a union of a general health 36748
district and one or more city health districts located within or 36749
partially within such general health district. 36750

Sec. 3709.012. Beginning on the date that is two years after 36751
the official announcement of the result of the federal decennial 36752
census taken in a particular census year, all of the following 36753
apply to a board of health of a city health district for a city 36754
with a population less than fifty thousand: 36755

(A) The board is abolished. 36756

(B) Wherever the board is referred to in any law, contract, 36757
or other document, the reference is deemed to refer to the board 36758
of health of the general health district that includes the city. 36759

(C) All of the board's functions, assets, and liabilities are 36760
transferred from the board to the board of health of the general 36761
health district that includes the city. 36762

(D) Any business of the board commenced but not completed 36763
before it was abolished shall be completed by the board of health 36764
of the general health district that includes the city. The 36765
business shall be completed in the same manner, and with the same 36766
effect, as if completed by the board before it was abolished. 36767

(E) No license, validation, cure, right, privilege, remedy, 36768
obligation, or liability is lost or impaired by reason of the 36769

transfer from the board to the board of health of the general health district that includes the city. Each such license, validation, cure, right, privilege, remedy, obligation, or liability shall be administered by the board of health of the general health district that includes the city. 36770
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(F) All rules, orders, fees, taxes, and determinations of the board immediately prior to the board's abolishment continue in effect as rules, orders, fees, taxes, and determinations until modified or rescinded by the board of health of the general health district that includes the city. 36775
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(G) A judicial or administrative action or proceeding that is pending on the date of the board's abolishment is not affected by the abolishment or transfer. Each action or proceeding shall be prosecuted or defended in the name of the board of health of the general health district that includes the city. On application to the court or other tribunal with jurisdiction over the action or proceeding, the court or tribunal shall substitute the board of health of the general health district that includes the city as a party in the action or proceeding. 36780
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(H) Subject to the lay-off provisions of sections 124.321 to 124.328 of the Revised Code, all of the board's employees shall be transferred to the board of health of the general health district that includes the city. The transferred employees shall retain their positions and all of the benefits accruing to those positions. 36789
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(I) In the event the department of health has distributed funds to the board, the director of health shall determine the amount of funds to be transferred to the board of health of the general health district that includes the city. 36795
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Sec. 3709.052. When a majority of the members of the legislative authority or a majority of the electors of each city 36799
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constituting a city health district have voted affirmatively, the 36801
chief executives of the cities affected shall enter into a 36802
contract for the administration of public health affairs in the 36803
combined district. Such contract shall state the proportion of 36804
expenses of the board of health or health department of the 36805
combined district to be paid by each city. Unless the proposal 36806
establishing the district as contained in the petition and 36807
submitted to the electors provides for the board of health of the 36808
new district, the contract may provide that the administration of 36809
the combined district be taken over by either the board of health 36810
or the health department of one of the cities or by a combined 36811
board of health. If the contract provides for a combined board of 36812
health, the number of members of the board, their terms of office, 36813
and the method of appointment, shall be set forth in the contract. 36814
The contract shall designate the city in which the central office 36815
of the board of health shall be located. The city treasurer of 36816
such city shall be the custodian of the health funds of the 36817
combined district. The auditor of such city shall act as the 36818
auditor of the combined district and shall pay the expenses of the 36819
health program as approved by the board of health and signed by 36820
the health commissioner. A copy of such contract shall be filed 36821
with the director of health. 36822

The service status of any person employed by a city health 36823
district shall not be affected by the creation of a combined 36824
district. 36825

Sec. 3709.06. If any city constituting a city health district 36826
fails to establish a board of health under section 3709.05 of the 36827
Revised Code, the director of health may appoint a health 36828
commissioner for such city, and fix the commissioner's salary and 36829
term of office. Such commissioner shall have the same powers and 36830
perform the duties granted to or imposed upon a board of health of 36831
a city health district, except that rules, regulations, or orders 36832

of a general nature, made by the commissioner and required to be 36833
published, shall be approved by the director. The salary of such 36834
commissioner and all necessary expenses incurred by the 36835
commissioner in performing the duties of the board shall be paid 36836
by and be a valid claim against such city. 36837

Sec. 3709.07. Except as provided in section 3709.071 of the 36838
Revised Code, when it is proposed that one or more city health 36839
districts unite with a general health district in the formation of 36840
a single district, the district advisory council of the general 36841
health district shall meet and vote on the question of union. It 36842
shall require a majority affirmative vote of the members of the 36843
district advisory council to carry the question. The legislative 36844
authority of each city constituting a city health district shall 36845
likewise vote on the question. A majority voting affirmatively 36846
shall be required for approval. When the majority of the district 36847
advisory council and the legislative authority have voted 36848
affirmatively, the chair of the council and the chief executive of 36849
each city shall enter into a contract for the administration of 36850
health affairs in the combined district. Such contract shall state 36851
the proportion of the expenses of the board of health or health 36852
department of the combined district to be paid by the city or 36853
cities and by the original general health district. The contract 36854
may provide that the administration of the combined district shall 36855
be taken over by either the board of health or health department 36856
of one of the cities, by the board of health of the general health 36857
district, or by a combined board of health. Such contract shall 36858
prescribe the date on which such change of administration shall be 36859
made. A copy of such contract shall be filed with the director of 36860
health. 36861

The combined district shall constitute a general health 36862
district, and the board of health or health department of the 36863
city, the board of health of the original general health district, 36864

or the combined board of health, as may be agreed in the contract, 36865
shall have, within the combined district, all the powers granted 36866
to, and perform all the duties required of, the board of health of 36867
a general health district. 36868

The district advisory council of the combined general health 36869
district shall consist of the members of the district advisory 36870
council of the original general health district and the chief 36871
executive of each city constituting a city health district, each 36872
member having one vote. 36873

If the contract provides that the administration of the 36874
combined district shall be taken over by a combined board of 36875
health, rather than the board of health of the original health 36876
district, the contract shall set forth the number of members of 36877
such board, their terms of office, and the manner of appointment 36878
or election of officers. One of the members of such combined board 36879
of health shall be a physician, and one member shall be an 36880
individual appointed by the health district licensing council, if 36881
such council is established under section 3709.41 of the Revised 36882
Code. The contract may also provide for the representation of 36883
areas by one or more members and shall, in such event, specify the 36884
territory to be included in each such area. 36885

The appointment of any member of the combined board who is 36886
designated by the provisions of the contract to represent a city 36887
shall be made by the chief executive and approved by the 36888
legislative authority of such city. If a member is designated by 36889
the contract to represent more than one city, the member shall be 36890
appointed by majority vote of the chief executives of all cities 36891
included in any such area. Except for the member appointed by the 36892
health district licensing council, if such council is established, 36893
the appointment of all members of the combined board who are 36894
designated to represent the balance of the district shall be made 36895
by the district advisory council. 36896

The service status of any person employed by a city or 36897
general health district shall not be affected by the creation of a 36898
combined district. 36899

Sec. 3713.02. Subject to sections 3713.021 and 3713.022 of 36900
the Revised Code, all of the following apply: 36901

(A) Except as provided in section 3713.05 of the Revised 36902
Code, no person shall import, manufacture, renovate, wholesale, or 36903
reupholster stuffed toys or articles of bedding, or sell or offer 36904
for sale any second-hand stuffed toy or any second-hand article of 36905
bedding, in this state without first registering to do so with the 36906
superintendent of industrial compliance in accordance with section 36907
3713.05 of the Revised Code. 36908

(B) No person shall manufacture, offer for sale, sell, 36909
deliver, or possess for the purpose of manufacturing, selling, or 36910
delivering, an article of bedding or a stuffed toy that is not 36911
labeled in accordance with section 3713.08 of the Revised Code. 36912

(C) No person shall manufacture, offer for sale, sell, 36913
deliver, or possess for the purpose of manufacturing, selling, or 36914
delivering, an article of bedding or a stuffed toy that is falsely 36915
labeled. 36916

(D) No person shall sell or offer for sale any secondhand 36917
article of bedding or any secondhand stuffed toy that has not been 36918
sanitized in accordance with section 3713.08 of the Revised Code. 36919

(E) The possession of any article of bedding or stuffed toy 36920
in the course of business by a person required to obtain 36921
registration under this chapter, or by that person's agent or 36922
servant shall be prima-facie evidence of the person's intent to 36923
sell the article of bedding or stuffed toy. 36924

Sec. 3717.22. (A) The following are not retail food 36925
establishments: 36926

- (1) A food service operation licensed under this chapter, 36927
including a food service operation that provides the services of a 36928
retail food establishment pursuant to an endorsement issued under 36929
section 3717.44 of the Revised Code; 36930
- (2) An entity exempt under divisions (B)(1) to (9), (11) to 36931
(13), or (15) of section 3717.42 of the Revised Code from the 36932
requirement to be licensed as a food service operation and an 36933
entity exempt under division (B)(10) of that section if the entity 36934
is regulated by the department of agriculture as a food processing 36935
establishment under section 3715.021 of the Revised Code; 36936
- (3) A business or that portion of a business that is 36937
regulated by the federal government or the department of 36938
agriculture as a food manufacturing or food processing business, 36939
including a business or that portion of a business regulated by 36940
the department of agriculture under Chapter 911., 913., 915., 36941
917., 918., or 925. of the Revised Code. 36942
- (B) All of the following are exempt from the requirement to 36943
be licensed as a retail food establishment: 36944
- (1) An establishment with commercially prepackaged foods that 36945
are not potentially hazardous and contained in displays, the total 36946
space of which equals less than two hundred cubic feet; 36947
- (2) A person at a farmers market ~~that is registered with the~~ 36948
~~director of agriculture pursuant to section 3717.221 of the~~ 36949
~~Revised Code~~ that offers for sale only one or more of the 36950
following: 36951
- (a) Fresh unprocessed fruits or vegetables; 36952
- (b) Products of a cottage food production operation; 36953
- (c) Tree syrup, sorghum, honey, apple syrup, or apple butter 36954
that is produced by a tree syrup or sorghum producer, beekeeper, 36955
or apple syrup or apple butter processor described in division (A) 36956

of section 3715.021 of the Revised Code; 36957

(d) Wine as authorized under section 4303.2010 of the Revised 36958
Code; 36959

(e) Commercially prepackaged food that is not potentially 36960
hazardous, on the condition that the food is contained in 36961
displays, the total space of which equals less than one hundred 36962
cubic feet on the premises where the person conducts business at 36963
the farmers market. 36964

(3) A person who offers for sale at a roadside stand only 36965
fresh fruits and fresh vegetables that are unprocessed; 36966

(4) A nonprofit organization exempt from federal income 36967
taxation under section 501(c)(3) of the "Internal Revenue Code of 36968
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 36969
funds by selling foods and that, if required to be licensed, would 36970
be classified as risk level one in accordance with rules 36971
establishing licensing categories for retail food establishments 36972
adopted under section 3717.33 of the Revised Code, if the sales 36973
occur inside a building and are for not more than seven 36974
consecutive days or more than fifty-two separate days during a 36975
licensing period. This exemption extends to any individual or 36976
group raising all of its funds during the time periods specified 36977
in division (B)(4) of this section for the benefit of the 36978
nonprofit organization by selling foods under the same conditions. 36979

(5) An establishment that offers food contained in displays 36980
of less than five hundred square feet, and if required to be 36981
licensed would be classified as risk level one pursuant to rules 36982
establishing licensing categories for retail food establishments 36983
adopted under section 3717.33 of the Revised Code, on the 36984
condition that the establishment offers the food for sale at 36985
retail not more than six months in each calendar year; 36986

(6) A cottage food production operation, on the condition 36987

that the operation offers its products directly to the consumer 36988
from the site where the products are produced; 36989

(7) A tree syrup and sorghum processor, beekeeper, or apple 36990
syrup and apple butter processor described in division (A) of 36991
section 3715.021 of the Revised Code, on the condition that the 36992
processor or beekeeper offers only tree syrup, sorghum, honey, 36993
apple syrup, or apple butter directly to the consumer from the 36994
site where those products are processed; 36995

(8) A person who annually maintains five hundred or fewer 36996
birds, on the condition that the person offers the eggs from those 36997
birds directly to the consumer from the location where the eggs 36998
are produced or at a farm product auction to which division 36999
(B)(11) of this section applies; 37000

(9) A person who annually raises and slaughters one thousand 37001
or fewer chickens, on the condition that the person offers dressed 37002
chickens directly to the consumer from the location where the 37003
chickens are raised and slaughtered or at a farm product auction 37004
to which division (B)(11) of this section applies; 37005

(10) A person who raises, slaughters, and processes the meat 37006
of nonamenable species described in divisions (A) and (B) of 37007
section 918.12 of the Revised Code, on the condition that the 37008
person offers the meat directly to the consumer from the location 37009
where the meat is processed or at a farm product auction to which 37010
division (B)(11) of this section applies; 37011

(11) A farm product auction, on the condition that it is 37012
registered with the director pursuant to section 3717.221 of the 37013
Revised Code that offers for sale at the farm product auction only 37014
one or more of the following: 37015

(a) The products described in divisions (B)(8) to (10) of 37016
this section that are produced, raised, slaughtered, or processed, 37017
as appropriate, by persons described in divisions (B)(8) to (10) 37018

of this section;	37019
(b) Fresh unprocessed fruits or vegetables;	37020
(c) Products of a cottage food production operation;	37021
(d) Tree syrup, sorghum, honey, apple syrup, or apple butter	37022
that is produced by a tree syrup or sorghum producer, beekeeper,	37023
or apple syrup or apple butter processor described in division (A)	37024
of section 3715.021 of the Revised Code.	37025
(12) An establishment that, with respect to offering food for	37026
sale, offers only alcoholic beverages or prepackaged beverages	37027
that are not potentially hazardous;	37028
(13) An establishment that, with respect to offering food for	37029
sale, offers only alcoholic beverages, prepackaged beverages that	37030
are not potentially hazardous, or commercially prepackaged food	37031
that is not potentially hazardous, on the condition that the	37032
commercially prepackaged food is contained in displays, the total	37033
space of which equals less than two hundred cubic feet on the	37034
premises of the establishment;	37035
(14) An establishment that, with respect to offering food for	37036
sale, offers only fountain beverages that are not potentially	37037
hazardous;	37038
(15) A person who offers for sale only one or more of the	37039
following foods at a festival or celebration, on the condition	37040
that the festival or celebration is organized by a political	37041
subdivision of the state and lasts for a period not longer than	37042
seven consecutive days:	37043
(a) Fresh unprocessed fruits or vegetables;	37044
(b) Products of a cottage food production operation;	37045
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter	37046
if produced by a tree syrup or sorghum processor, beekeeper, or	37047
apple syrup or apple butter processor as described in division (A)	37048

of section 3715.021 of the Revised Code;	37049
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;	37050 37051 37052 37053
(e) Fruit butter produced at the festival or celebration and sold from the production site.	37054 37055
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	37056 37057 37058 37059
(a) Fresh unprocessed fruits or vegetables;	37060
(b) Products of a cottage food production operation;	37061
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	37062 37063 37064 37065
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	37066 37067 37068 37069 37070
(e) Cider and other juices manufactured on site at the farm market;	37071 37072
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person	37073 37074 37075 37076 37077 37078

annually raises and slaughters one thousand or fewer chickens. 37079

(17)(a) An establishment to which all of the following apply: 37080

(i) The establishment has been issued an A-2 permit under 37081
section 4303.03 of the Revised Code or an A-2f permit under 37082
section 4303.031 of the Revised Code, annually produces ten 37083
thousand gallons or less of wine, and sells that wine in 37084
accordance with Chapter 4303. of the Revised Code on the premises 37085
of the establishment. 37086

(ii) The establishment serves unopened commercially 37087
prepackaged food, other than wine. 37088

(iii) The amount of the establishment's commercially 37089
prepackaged food sales, other than wine sales, for the previous 37090
calendar year did not exceed five per cent of the establishment's 37091
total gross receipts. 37092

(b) The owner or operator of the establishment shall notify 37093
the director that it is exempt from licensure because it qualifies 37094
under division (B)(17)(a) of this section. The owner or operator 37095
also shall display a notice in a place conspicuous to all of its 37096
guests informing them that the establishment is not required to be 37097
licensed as a retail food establishment. 37098

Sec. 3717.221. (A) ~~Any~~ Either of the following may register 37099
with the director of agriculture: 37100

(1) A farm market, which is a location where a producer 37101
offers fruits, vegetables, and other items for sale; 37102

(2) ~~A farmers market, which is a location where producers~~ 37103
~~congregate to offer fruits, vegetables, and other items for sale;~~ 37104

~~(3)~~ A farm product auction, which is a location where 37105
agricultural products, including food products, are offered for 37106
sale at auction. 37107

(B) The director shall inspect each farm market, ~~farmers~~ 37108
~~market,~~ and farm product auction that registers under this 37109
section. Inspections shall occur at a frequency considered 37110
appropriate by the director and shall be conducted in accordance 37111
with sanitation standards established in rules adopted under this 37112
section. 37113

(C) The director shall adopt rules in accordance with Chapter 37114
119. of the Revised Code as necessary to administer this section. 37115

Sec. 3721.02. (A) As used in this section, "residential 37116
facility" means a residential facility licensed under section 37117
5119.34 of the Revised Code that provides accommodations, 37118
supervision, and personal care services for three to sixteen 37119
unrelated adults. 37120

(B)(1) The director of health shall license homes and 37121
establish procedures to be followed in inspecting and licensing 37122
homes. The director may inspect a home at any time. ~~Each~~ The 37123
director may enter at any time, for the purposes of investigation, 37124
any institution, residence, facility, or other structure that has 37125
been reported to the director or that the director has reasonable 37126
cause to believe is operating as a nursing home, residential care 37127
facility, or home for the aging without a valid license required 37128
by section 3721.05 of the Revised Code or, in the case of a county 37129
home or district home, is operating despite the revocation of its 37130
residential care facility license. The director may delegate the 37131
director's authority and duties under this chapter to any 37132
division, bureau, agency, or official of the department of health. 37133

(2)(a) Except as provided in division (B)(2)(b) of this 37134
section, prior to the issuance of a license, each home shall be 37135
inspected by the director ~~at least once prior to the issuance of a~~ 37136
~~license and at least once every fifteen months thereafter. The~~ and 37137
the state fire marshal or a township, municipal, or other legally 37138

constituted fire department approved by the marshal ~~shall also~~ 37139
~~inspect a home prior to issuance of a license,~~ 37140

(b) The inspections set forth in division (B)(2)(a) of this 37141
section are not required prior to the issuance of a license if 37142
ownership of the home is assigned or transferred to a different 37143
person and the home was licensed under this chapter immediately 37144
prior to the assignment or transfer. 37145

(3) After issuance of a license by the director, each home 37146
shall be inspected as follows: 37147

(a) By the director at least once every fifteen months 37148
thereafter, and at any other time requested by the director. A 37149
home does not have to be inspected prior to issuance of a license 37150
by the director, state fire marshal, or a fire department if 37151
ownership of the home is assigned or transferred to a different 37152
person and the home was licensed under this chapter immediately 37153
prior to the assignment or transfer except that a home that is a 37154
residential care facility, or part of a home for the aging that is 37155
licensed as a residential care facility, may, at the discretion of 37156
the director, be inspected at least once every thirty months if 37157
all of the following apply: 37158

(i) During the two most recent consecutive inspections that 37159
occurred at least once every fifteen months, there were no 37160
substantiated violations against the residential care facility; 37161

(ii) During the time period of the inspections referred to in 37162
division (B)(4)(a) of this section, there were no substantiated 37163
violations against the residential care facility from any other 37164
inspections or from any investigations of complaints; 37165

(iii) The residential care facility does not have any 37166
outstanding violations from any previous inspections or 37167
investigations. 37168

(b) By the state fire marshal or a township, municipal, or 37169

other legally constituted fire department approved by the marshal 37170
at least once every fifteen months. 37171

(4) A nursing home does not need to be inspected before the 37172
director increases the nursing home's licensed capacity if the 37173
beds being added to the nursing home are placed in resident rooms 37174
that were inspected, as part of the most recent previous 37175
inspection of the nursing home, for the same number of residents 37176
proposed to be placed in a room after the capacity increase. The 37177
director may enter at any time, for the purposes of investigation, 37178
any institution, residence, facility, or other structure that has 37179
been reported to the director or that the director has reasonable 37180
cause to believe is operating as a nursing home, residential care 37181
facility, or home for the aging without a valid license required 37182
by section 3721.05 of the Revised Code or, in the case of a county 37183
home or district home, is operating despite the revocation of its 37184
residential care facility license. The director may delegate the 37185
director's authority and duties under this chapter to any 37186
division, bureau, agency, or official of the department of health. 37187

(2)(5)(a) If, prior to issuance of a license, a home The 37188
inspection procedures established under division (B) of this 37189
section shall include a process for conducting expedited licensing 37190
inspections. An expedited licensing inspection may be requested by 37191
an applicant seeking a license for a new home or, in the case of 37192
an existing home that is licensed as a residential care facility, 37193
an applicant seeking approval to increase or decrease the 37194
facility's licensed capacity or to make any other change for which 37195
the director requires a licensing inspection to be conducted. 37196

If an applicant submits a request for an expedited licensing 37197
inspection and the request is submitted in a manner and form 37198
approved by the director, the director shall commence ~~an~~the 37199
inspection of the home not later than ten business days after 37200
receiving the request. 37201

Any rules adopted by the director pursuant to section 3721.04 of the Revised Code to implement the requirements described in division (B)(5)(a) of this section are not subject to the requirements of division (F) of section 121.95 of the Revised Code. 37202
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~~(b) On request, submitted in a manner and form approved by the director, the director may review plans for a building that is to be used as a home for compliance with applicable state and local building and safety codes.~~ 37207
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~~(e) The director may charge a fee for an expedited licensing inspection or a plan review that is adequate to cover the expense of expediting the inspection or reviewing the plans. The fee shall be deposited in the state treasury to the credit of the general operations fund created in section 3701.83 of the Revised Code and used solely for expediting inspections and reviewing plans.~~ 37211
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(C) A single facility may be licensed both as a nursing home pursuant to this chapter and as a residential facility pursuant to section 5119.34 of the Revised Code if the director determines that the part or unit to be licensed as a nursing home can be maintained separate and discrete from the part or unit to be licensed as a residential facility. 37217
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(D) In determining the number of residents in a home for the purpose of licensing, the director shall consider all the individuals for whom the home provides accommodations as one group unless one of the following is the case: 37223
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(1) The home is a home for the aging, in which case all the individuals in the part or unit licensed as a nursing home shall be considered as one group, and all the individuals in the part or unit licensed as a ~~rest home~~ residential care facility shall be considered as another group. 37227
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(2) The home is both a nursing home and a residential 37232

facility. In that case, all the individuals in the part or unit 37233
licensed as a nursing home shall be considered as one group, and 37234
all the individuals in the part or unit licensed as an ~~adult care~~ 37235
residential facility shall be considered as another group. 37236

(3) The home maintains, in addition to a nursing home or 37237
residential care facility, a separate and discrete part or unit 37238
that provides accommodations to individuals who do not require or 37239
receive skilled nursing care and do not receive personal care 37240
services from the home, in which case the individuals in the 37241
separate and discrete part or unit shall not be considered in 37242
determining the number of residents in the home if the separate 37243
and discrete part or unit is in compliance with the Ohio basic 37244
building code established by the board of building standards under 37245
Chapters 3781. and 3791. of the Revised Code and the home permits 37246
the director, on request, to inspect the separate and discrete 37247
part or unit and speak with the individuals residing there, if 37248
they consent, to determine whether the separate and discrete part 37249
or unit meets the requirements of this division. 37250

(E)(1) The director of health shall charge the following 37251
application fee and annual renewal licensing and inspection fee 37252
for each fifty persons or part thereof of a home's licensed 37253
capacity: 37254

(a) For state fiscal year 2010, two hundred twenty dollars; 37255

(b) For state fiscal year 2011, two hundred seventy dollars; 37256

(c) For each state fiscal year thereafter, three hundred 37257
twenty dollars. 37258

(2) All fees collected by the director for the issuance or 37259
renewal of licenses shall be deposited into the state treasury to 37260
the credit of the general operations fund created in section 37261
3701.83 of the Revised Code for use only in administering and 37262
enforcing this chapter and rules adopted under it. 37263

(F)(1) Except as otherwise provided in this section, the results of an inspection or investigation of a home that is conducted under this section, including any statement of deficiencies and all findings and deficiencies cited in the statement on the basis of the inspection or investigation, shall be used solely to determine the home's compliance with this chapter or another chapter of the Revised Code in any action or proceeding other than an action commenced under division (I) of section 3721.17 of the Revised Code. Those results of an inspection or investigation, that statement of deficiencies, and the findings and deficiencies cited in that statement shall not be used in either of the following:

(a) Any court or in any action or proceeding that is pending in any court and are not admissible in evidence in any action or proceeding unless that action or proceeding is an appeal of an action by the department of health under this chapter or is an action by any department or agency of the state to enforce this chapter or another chapter of the Revised Code;

(b) An advertisement, unless the advertisement includes all of the following:

(i) The date the inspection or investigation was conducted;

(ii) A statement that the director of health inspects all homes at least once every fifteen months or, if applicable under this section, at least once every thirty months;

(iii) If a finding or deficiency cited in the statement of deficiencies has been substantially corrected, a statement that the finding or deficiency has been substantially corrected and the date that the finding or deficiency was substantially corrected;

(iv) The number of findings and deficiencies cited in the statement of deficiencies on the basis of the inspection or investigation;

(v) The average number of findings and deficiencies cited in a statement of deficiencies on the basis of an inspection or investigation conducted under this section during the same calendar year as the inspection or investigation used in the advertisement;

(vi) A statement that the advertisement is neither authorized nor endorsed by the department of health or any other government agency.

(2) Nothing in division (F)(1) of this section prohibits the results of an inspection or investigation conducted under this section from being used in a criminal investigation or prosecution.

Sec. 3721.081. (A) Notwithstanding any action the director of health may take under section 3721.08 of the Revised Code, if the director determines immediate action is necessary to protect resident health or safety because a home has neglected or refused to act with sufficient promptness or efficiency to protect resident health or safety, the director may do either or both of the following before a home is provided notice and an opportunity for a hearing under Chapter 119. of the Revised Code:

(1) Issue orders, including specifying actions that a home must take immediately to address resident health and safety;

(2) Take direct action to protect resident health or safety if the home fails to act on an order issued pursuant to division (A)(1) of this section.

(B)(1) Subject to divisions (B)(2) and (3) of this section, orders that may be issued and direct action that may be taken under this section include all of the following:

(a) Removing a threat to resident health or safety;

(b) Transferring residents to another home or appropriate

<u>care setting until a threat to resident health or safety is</u>	37325
<u>resolved;</u>	37326
<u>(c) Appointing a temporary administrator for a home for the</u>	37327
<u>duration of an order;</u>	37328
<u>(d) Issuing any other order or taking any other action as</u>	37329
<u>necessary to protect the health or safety of residents of a home.</u>	37330
<u>(2) The director shall not enter a home pursuant to this</u>	37331
<u>section unless the director provides the operator with notice at</u>	37332
<u>least twenty-four hours in advance.</u>	37333
<u>(3) The director's authority to transfer residents under this</u>	37334
<u>section is subject to both of the following:</u>	37335
<u>(a) If the reason for the transfer is due to an environmental</u>	37336
<u>condition affecting the home, the director may transfer only those</u>	37337
<u>residents directly affected by the environmental condition.</u>	37338
<u>(b) If the reason for the transfer is due to a clinical</u>	37339
<u>condition that affects the entire home, the director may transfer</u>	37340
<u>all residents for the lesser of thirty calendar days or until the</u>	37341
<u>date that the condition is no longer affecting the home. If the</u>	37342
<u>condition persists longer than thirty calendar days, the director</u>	37343
<u>shall provide the home a notice regarding the reason for</u>	37344
<u>determining that the condition is still affecting the home. The</u>	37345
<u>home may request a hearing regarding the notice in accordance with</u>	37346
<u>this section.</u>	37347
<u>(C) Any expenses incurred by a home to comply with an order</u>	37348
<u>issued under this section shall be borne by the home.</u>	37349
<u>If a hearing is conducted in accordance with this section and</u>	37350
<u>the director is found to have acted in violation of this section,</u>	37351
<u>all reasonable expenses incurred by the home as a result of the</u>	37352
<u>director's action shall be reimbursed to the home by the</u>	37353
<u>department of health within ninety days after the date that the</u>	37354

final adjudication order is issued. 37355

(D) If a home fails to comply with an order issued under this section, the director shall issue an order imposing a fine of not more than one hundred thousand dollars for each instance of noncompliance. Any fine imposed shall be reasonably commensurate to the harm caused by the home, and the home may request a hearing as to the fine's reasonableness in accordance with this section. 37356
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(E) All reimbursements collected under this section and all fines, including interest, collected under this section shall be deposited in the state treasury to the credit of the general operations fund created by section 3701.83 of the Revised Code. 37362
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(F) A home subject to an order or action under this section may request a hearing under Chapter 119. of the Revised Code. The request must be received by the director within fifteen days after the notice of the order was mailed. If the home timely requests a hearing, the date set for the hearing shall be within ten days after the home requested the hearing, unless otherwise agreed to by both the director and the home. 37366
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An order issued under this section shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective. The director shall issue the final adjudication order not later than thirty days after completion of the hearing. 37373
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A home may appeal a final adjudication order in accordance with Chapter 119. of the Revised Code. 37379
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Sec. 3734.57. (A) The following fees are hereby levied on the transfer or disposal of solid wastes in this state: 37381
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(1) Ninety cents per ton through June 30, ~~2022~~2024, twenty cents of the proceeds of which shall be deposited in the state 37383
37384

treasury to the credit of the hazardous waste facility management 37385
fund created in section 3734.18 of the Revised Code and seventy 37386
cents of the proceeds of which shall be deposited in the state 37387
treasury to the credit of the hazardous waste clean-up fund 37388
created in section 3734.28 of the Revised Code; 37389

(2) An additional seventy-five cents per ton through June 30, 37390
~~2022~~2024, the proceeds of which shall be deposited in the state 37391
treasury to the credit of the waste management fund created in 37392
section 3734.061 of the Revised Code. 37393

(3) An additional two dollars and eighty-five cents per ton 37394
through June 30, ~~2022~~2024, the proceeds of which shall be 37395
deposited in the state treasury to the credit of the environmental 37396
protection fund created in section 3745.015 of the Revised Code; 37397

(4) An additional twenty-five cents per ton through June 30, 37398
~~2022~~2024, the proceeds of which shall be deposited in the state 37399
treasury to the credit of the soil and water conservation district 37400
assistance fund created in section 940.15 of the Revised Code. 37401

In the case of solid wastes that are taken to a solid waste 37402
transfer facility located in this state prior to being transported 37403
for disposal at a solid waste disposal facility located in this 37404
state or outside of this state, the fees levied under this 37405
division shall be collected by the owner or operator of the 37406
transfer facility as a trustee for the state. The amount of fees 37407
required to be collected under this division at such a transfer 37408
facility shall equal the total tonnage of solid wastes received at 37409
the facility multiplied by the fees levied under this division. In 37410
the case of solid wastes that are not taken to a solid waste 37411
transfer facility located in this state prior to being transported 37412
to a solid waste disposal facility, the fees shall be collected by 37413
the owner or operator of the solid waste disposal facility as a 37414
trustee for the state. The amount of fees required to be collected 37415
under this division at such a disposal facility shall equal the 37416

total tonnage of solid wastes received at the facility that was 37417
not previously taken to a solid waste transfer facility located in 37418
this state multiplied by the fees levied under this division. Fees 37419
levied under this division do not apply to materials separated 37420
from a mixed waste stream for recycling by a generator or 37421
materials removed from the solid waste stream through recycling, 37422
as "recycling" is defined in rules adopted under section 3734.02 37423
of the Revised Code. 37424

The owner or operator of a solid waste transfer facility or 37425
disposal facility, as applicable, shall prepare and file with the 37426
director of environmental protection each month a return 37427
indicating the total tonnage of solid wastes received at the 37428
facility during that month and the total amount of the fees 37429
required to be collected under this division during that month. In 37430
addition, the owner or operator of a solid waste disposal facility 37431
shall indicate on the return the total tonnage of solid wastes 37432
received from transfer facilities located in this state during 37433
that month for which the fees were required to be collected by the 37434
transfer facilities. The monthly returns shall be filed on a form 37435
prescribed by the director. Not later than thirty days after the 37436
last day of the month to which a return applies, the owner or 37437
operator shall mail to the director the return for that month 37438
together with the fees required to be collected under this 37439
division during that month as indicated on the return or may 37440
submit the return and fees electronically in a manner approved by 37441
the director. If the return is filed and the amount of the fees 37442
due is paid in a timely manner as required in this division, the 37443
owner or operator may retain a discount of three-fourths of one 37444
per cent of the total amount of the fees that are required to be 37445
paid as indicated on the return. 37446

The owner or operator may request an extension of not more 37447
than thirty days for filing the return and remitting the fees, 37448

provided that the owner or operator has submitted such a request 37449
in writing to the director together with a detailed description of 37450
why the extension is requested, the director has received the 37451
request not later than the day on which the return is required to 37452
be filed, and the director has approved the request. If the fees 37453
are not remitted within thirty days after the last day of the 37454
month to which the return applies or are not remitted by the last 37455
day of an extension approved by the director, the owner or 37456
operator shall not retain the three-fourths of one per cent 37457
discount and shall pay an additional ten per cent of the amount of 37458
the fees for each month that they are late. For purposes of 37459
calculating the late fee, the first month in which fees are late 37460
begins on the first day after the deadline has passed for timely 37461
submitting the return and fees, and one additional month shall be 37462
counted every thirty days thereafter. 37463

The owner or operator of a solid waste facility may request a 37464
refund or credit of fees levied under this division and remitted 37465
to the director that have not been paid to the owner or operator. 37466
Such a request shall be made only if the fees have not been 37467
collected by the owner or operator, have become a debt that has 37468
become worthless or uncollectable for a period of six months or 37469
more, and may be claimed as a deduction, including a deduction 37470
claimed if the owner or operator keeps accounts on an accrual 37471
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 37472
U.S.C. 166, as amended, and regulations adopted under it. Prior to 37473
making a request for a refund or credit, an owner or operator 37474
shall make reasonable efforts to collect the applicable fees. A 37475
request for a refund or credit shall not include any costs 37476
resulting from those efforts to collect unpaid fees. 37477

A request for a refund or credit of fees shall be made in 37478
writing, on a form prescribed by the director, and shall be 37479
supported by evidence that may be required in rules adopted by the 37480

director under this chapter. After reviewing the request, and if 37481
the request and evidence submitted with the request indicate that 37482
a refund or credit is warranted, the director shall grant a refund 37483
to the owner or operator or shall permit a credit to be taken by 37484
the owner or operator on a subsequent monthly return submitted by 37485
the owner or operator. The amount of a refund or credit shall not 37486
exceed an amount that is equal to ninety days' worth of fees owed 37487
to an owner or operator by a particular debtor of the owner or 37488
operator. A refund or credit shall not be granted by the director 37489
to an owner or operator more than once in any twelve-month period 37490
for fees owed to the owner or operator by a particular debtor. 37491

If, after receiving a refund or credit from the director, an 37492
owner or operator receives payment of all or part of the fees, the 37493
owner or operator shall remit the fees with the next monthly 37494
return submitted to the director together with a written 37495
explanation of the reason for the submittal. 37496

For purposes of computing the fees levied under this division 37497
or division (B) of this section, any solid waste transfer or 37498
disposal facility that does not use scales as a means of 37499
determining gate receipts shall use a conversion factor of three 37500
cubic yards per ton of solid waste or one cubic yard per ton for 37501
baled waste, as applicable. 37502

The fees levied under this division and divisions (B) and (C) 37503
of this section are in addition to all other applicable fees and 37504
taxes and shall be paid by the customer or a political subdivision 37505
to the owner or operator of a solid waste transfer or disposal 37506
facility. In the alternative, the fees shall be paid by a customer 37507
or political subdivision to a transporter of waste who 37508
subsequently transfers the fees to the owner or operator of such a 37509
facility. The fees shall be paid notwithstanding the existence of 37510
any provision in a contract that the customer or a political 37511
subdivision may have with the owner or operator or with a 37512

transporter of waste to the facility that would not require or 37513
allow such payment regardless of whether the contract was entered 37514
prior to or after October 16, 2009. For those purposes, "customer" 37515
means a person who contracts with, or utilizes the solid waste 37516
services of, the owner or operator of a solid waste transfer or 37517
disposal facility or a transporter of solid waste to such a 37518
facility. 37519

(B) For the purposes specified in division (G) of this 37520
section, the solid waste management policy committee of a county 37521
or joint solid waste management district may levy fees upon the 37522
following activities: 37523

(1) The disposal at a solid waste disposal facility located 37524
in the district of solid wastes generated within the district; 37525

(2) The disposal at a solid waste disposal facility within 37526
the district of solid wastes generated outside the boundaries of 37527
the district, but inside this state; 37528

(3) The disposal at a solid waste disposal facility within 37529
the district of solid wastes generated outside the boundaries of 37530
this state. 37531

The solid waste management plan of the county or joint 37532
district approved under section 3734.521 or 3734.55 of the Revised 37533
Code and any amendments to it, or the resolution adopted under 37534
this division, as appropriate, shall establish the rates of the 37535
fees levied under divisions (B)(1), (2), and (3) of this section, 37536
if any, and shall specify whether the fees are levied on the basis 37537
of tons or cubic yards as the unit of measurement. A solid waste 37538
management district that levies fees under this division on the 37539
basis of cubic yards shall do so in accordance with division (A) 37540
of this section. 37541

The fee levied under division (B)(1) of this section shall be 37542
not less than one dollar per ton nor more than two dollars per 37543

ton, the fee levied under division (B)(2) of this section shall be 37544
not less than two dollars per ton nor more than four dollars per 37545
ton, and the fee levied under division (B)(3) of this section 37546
shall be not more than the fee levied under division (B)(1) of 37547
this section. 37548

Prior to the approval of the solid waste management plan of a 37549
district under section 3734.55 of the Revised Code, the solid 37550
waste management policy committee of a district may levy fees 37551
under this division by adopting a resolution establishing the 37552
proposed amount of the fees. Upon adopting the resolution, the 37553
committee shall deliver a copy of the resolution to the board of 37554
county commissioners of each county forming the district and to 37555
the legislative authority of each municipal corporation and 37556
township under the jurisdiction of the district and shall prepare 37557
and publish the resolution and a notice of the time and location 37558
where a public hearing on the fees will be held. Upon adopting the 37559
resolution, the committee shall deliver written notice of the 37560
adoption of the resolution; of the amount of the proposed fees; 37561
and of the date, time, and location of the public hearing to the 37562
director and to the fifty industrial, commercial, or institutional 37563
generators of solid wastes within the district that generate the 37564
largest quantities of solid wastes, as determined by the 37565
committee, and to their local trade associations. The committee 37566
shall make good faith efforts to identify those generators within 37567
the district and their local trade associations, but the 37568
nonprovision of notice under this division to a particular 37569
generator or local trade association does not invalidate the 37570
proceedings under this division. The publication shall occur at 37571
least thirty days before the hearing. After the hearing, the 37572
committee may make such revisions to the proposed fees as it 37573
considers appropriate and thereafter, by resolution, shall adopt 37574
the revised fee schedule. Upon adopting the revised fee schedule, 37575
the committee shall deliver a copy of the resolution doing so to 37576

the board of county commissioners of each county forming the 37577
district and to the legislative authority of each municipal 37578
corporation and township under the jurisdiction of the district. 37579
Within sixty days after the delivery of a copy of the resolution 37580
adopting the proposed revised fees by the policy committee, each 37581
such board and legislative authority, by ordinance or resolution, 37582
shall approve or disapprove the revised fees and deliver a copy of 37583
the ordinance or resolution to the committee. If any such board or 37584
legislative authority fails to adopt and deliver to the policy 37585
committee an ordinance or resolution approving or disapproving the 37586
revised fees within sixty days after the policy committee 37587
delivered its resolution adopting the proposed revised fees, it 37588
shall be conclusively presumed that the board or legislative 37589
authority has approved the proposed revised fees. The committee 37590
shall determine if the resolution has been ratified in the same 37591
manner in which it determines if a draft solid waste management 37592
plan has been ratified under division (B) of section 3734.55 of 37593
the Revised Code. 37594

The committee may amend the schedule of fees levied pursuant 37595
to a resolution adopted and ratified under this division by 37596
adopting a resolution establishing the proposed amount of the 37597
amended fees. The committee may repeal the fees levied pursuant to 37598
such a resolution by adopting a resolution proposing to repeal 37599
them. Upon adopting such a resolution, the committee shall proceed 37600
to obtain ratification of the resolution in accordance with this 37601
division. 37602

Not later than fourteen days after declaring the new fees to 37603
be ratified or the fees to be repealed under this division, the 37604
committee shall notify by certified mail the owner or operator of 37605
each solid waste disposal facility that is required to collect the 37606
fees of the ratification and the amount of the fees or of the 37607
repeal of the fees. Collection of any fees shall commence or 37608

collection of repealed fees shall cease on the first day of the 37609
second month following the month in which notification is sent to 37610
the owner or operator. 37611

Fees levied under this division also may be established, 37612
amended, or repealed by a solid waste management policy committee 37613
through the adoption of a new district solid waste management 37614
plan, the adoption of an amended plan, or the amendment of the 37615
plan or amended plan in accordance with sections 3734.55 and 37616
3734.56 of the Revised Code or the adoption or amendment of a 37617
district plan in connection with a change in district composition 37618
under section 3734.521 of the Revised Code. 37619

Not later than fourteen days after the director issues an 37620
order approving a district's solid waste management plan, amended 37621
plan, or amendment to a plan or amended plan that establishes, 37622
amends, or repeals a schedule of fees levied by the district, the 37623
committee shall notify by certified mail the owner or operator of 37624
each solid waste disposal facility that is required to collect the 37625
fees of the approval of the plan or amended plan, or the amendment 37626
to the plan, as appropriate, and the amount of the fees, if any. 37627
In the case of an initial or amended plan approved under section 37628
3734.521 of the Revised Code in connection with a change in 37629
district composition, other than one involving the withdrawal of a 37630
county from a joint district, the committee, within fourteen days 37631
after the change takes effect pursuant to division (G) of that 37632
section, shall notify by certified mail the owner or operator of 37633
each solid waste disposal facility that is required to collect the 37634
fees that the change has taken effect and of the amount of the 37635
fees, if any. Collection of any fees shall commence or collection 37636
of repealed fees shall cease on the first day of the second month 37637
following the month in which notification is sent to the owner or 37638
operator. 37639

If, in the case of a change in district composition involving 37640

the withdrawal of a county from a joint district, the director 37641
completes the actions required under division (G)(1) or (3) of 37642
section 3734.521 of the Revised Code, as appropriate, forty-five 37643
days or more before the beginning of a calendar year, the policy 37644
committee of each of the districts resulting from the change that 37645
obtained the director's approval of an initial or amended plan in 37646
connection with the change, within fourteen days after the 37647
director's completion of the required actions, shall notify by 37648
certified mail the owner or operator of each solid waste disposal 37649
facility that is required to collect the district's fees that the 37650
change is to take effect on the first day of January immediately 37651
following the issuance of the notice and of the amount of the fees 37652
or amended fees levied under divisions (B)(1) to (3) of this 37653
section pursuant to the district's initial or amended plan as so 37654
approved or, if appropriate, the repeal of the district's fees by 37655
that initial or amended plan. Collection of any fees set forth in 37656
such a plan or amended plan shall commence on the first day of 37657
January immediately following the issuance of the notice. If such 37658
an initial or amended plan repeals a schedule of fees, collection 37659
of the fees shall cease on that first day of January. 37660

If, in the case of a change in district composition involving 37661
the withdrawal of a county from a joint district, the director 37662
completes the actions required under division (G)(1) or (3) of 37663
section 3734.521 of the Revised Code, as appropriate, less than 37664
forty-five days before the beginning of a calendar year, the 37665
director, on behalf of each of the districts resulting from the 37666
change that obtained the director's approval of an initial or 37667
amended plan in connection with the change proceedings, shall 37668
notify by certified mail the owner or operator of each solid waste 37669
disposal facility that is required to collect the district's fees 37670
that the change is to take effect on the first day of January 37671
immediately following the mailing of the notice and of the amount 37672
of the fees or amended fees levied under divisions (B)(1) to (3) 37673

of this section pursuant to the district's initial or amended plan 37674
as so approved or, if appropriate, the repeal of the district's 37675
fees by that initial or amended plan. Collection of any fees set 37676
forth in such a plan or amended plan shall commence on the first 37677
day of the second month following the month in which notification 37678
is sent to the owner or operator. If such an initial or amended 37679
plan repeals a schedule of fees, collection of the fees shall 37680
cease on the first day of the second month following the month in 37681
which notification is sent to the owner or operator. 37682

If the schedule of fees that a solid waste management 37683
district is levying under divisions (B)(1) to (3) of this section 37684
is amended or repealed, the fees in effect immediately prior to 37685
the amendment or repeal shall continue to be collected until 37686
collection of the amended fees commences or collection of the 37687
repealed fees ceases, as applicable, as specified in this 37688
division. In the case of a change in district composition, money 37689
so received from the collection of the fees of the former 37690
districts shall be divided among the resulting districts in 37691
accordance with division (B) of section 343.012 of the Revised 37692
Code and the agreements entered into under division (B) of section 37693
343.01 of the Revised Code to establish the former and resulting 37694
districts and any amendments to those agreements. 37695

For the purposes of the provisions of division (B) of this 37696
section establishing the times when newly established or amended 37697
fees levied by a district are required to commence and the 37698
collection of fees that have been amended or repealed is required 37699
to cease, "fees" or "schedule of fees" includes, in addition to 37700
fees levied under divisions (B)(1) to (3) of this section, those 37701
levied under section 3734.573 or 3734.574 of the Revised Code. 37702

(C) For the purposes of defraying the added costs to a 37703
municipal corporation or township of maintaining roads and other 37704
public facilities and of providing emergency and other public 37705

services, and compensating a municipal corporation or township for 37706
reductions in real property tax revenues due to reductions in real 37707
property valuations resulting from the location and operation of a 37708
solid waste disposal facility within the municipal corporation or 37709
township, a municipal corporation or township in which such a 37710
solid waste disposal facility is located may levy a fee of not 37711
more than twenty-five cents per ton on the disposal of solid 37712
wastes at a solid waste disposal facility located within the 37713
boundaries of the municipal corporation or township regardless of 37714
where the wastes were generated. 37715

The legislative authority of a municipal corporation or 37716
township may levy fees under this division by enacting an 37717
ordinance or adopting a resolution establishing the amount of the 37718
fees. Upon so doing the legislative authority shall mail a 37719
certified copy of the ordinance or resolution to the board of 37720
county commissioners or directors of the county or joint solid 37721
waste management district in which the municipal corporation or 37722
township is located or, if a regional solid waste management 37723
authority has been formed under section 343.011 of the Revised 37724
Code, to the board of trustees of that regional authority, the 37725
owner or operator of each solid waste disposal facility in the 37726
municipal corporation or township that is required to collect the 37727
fee by the ordinance or resolution, and the director of 37728
environmental protection. Although the fees levied under this 37729
division are levied on the basis of tons as the unit of 37730
measurement, the legislative authority, in its ordinance or 37731
resolution levying the fees under this division, may direct that 37732
the fees be levied on the basis of cubic yards as the unit of 37733
measurement based upon a conversion factor of three cubic yards 37734
per ton generally or one cubic yard per ton for baled wastes. 37735

Not later than five days after enacting an ordinance or 37736
adopting a resolution under this division, the legislative 37737

authority shall so notify by certified mail the owner or operator 37738
of each solid waste disposal facility that is required to collect 37739
the fee. Collection of any fee levied on or after March 24, 1992, 37740
shall commence on the first day of the second month following the 37741
month in which notification is sent to the owner or operator. 37742

(D)(1) The fees levied under divisions (A), (B), and (C) of 37743
this section do not apply to the disposal of solid wastes that: 37744

(a) Are disposed of at a facility owned by the generator of 37745
the wastes when the solid waste facility exclusively disposes of 37746
solid wastes generated at one or more premises owned by the 37747
generator regardless of whether the facility is located on a 37748
premises where the wastes are generated; 37749

(b) Are generated from the combustion of coal, or from the 37750
combustion of primarily coal, regardless of whether the disposal 37751
facility is located on the premises where the wastes are 37752
generated; 37753

(c) Are asbestos or asbestos-containing materials or products 37754
disposed of at a construction and demolition debris facility that 37755
is licensed under Chapter 3714. of the Revised Code or at a solid 37756
waste facility that is licensed under this chapter. 37757

(2) Except as provided in section 3734.571 of the Revised 37758
Code, any fees levied under division (B)(1) of this section apply 37759
to solid wastes originating outside the boundaries of a county or 37760
joint district that are covered by an agreement for the joint use 37761
of solid waste facilities entered into under section 343.02 of the 37762
Revised Code by the board of county commissioners or board of 37763
directors of the county or joint district where the wastes are 37764
generated and disposed of. 37765

(3) When solid wastes, other than solid wastes that consist 37766
of scrap tires, are burned in a disposal facility that is an 37767
incinerator or energy recovery facility, the fees levied under 37768

divisions (A), (B), and (C) of this section shall be levied upon 37769
the disposal of the fly ash and bottom ash remaining after burning 37770
of the solid wastes and shall be collected by the owner or 37771
operator of the sanitary landfill where the ash is disposed of. 37772

(4) When solid wastes are delivered to a solid waste transfer 37773
facility, the fees levied under divisions (B) and (C) of this 37774
section shall be levied upon the disposal of solid wastes 37775
transported off the premises of the transfer facility for disposal 37776
and shall be collected by the owner or operator of the solid waste 37777
disposal facility where the wastes are disposed of. 37778

(5) The fees levied under divisions (A), (B), and (C) of this 37779
section do not apply to sewage sludge that is generated by a waste 37780
water treatment facility holding a national pollutant discharge 37781
elimination system permit and that is disposed of through 37782
incineration, land application, or composting or at another 37783
resource recovery or disposal facility that is not a landfill. 37784

(6) The fees levied under divisions (A), (B), and (C) of this 37785
section do not apply to solid wastes delivered to a solid waste 37786
composting facility for processing. When any unprocessed solid 37787
waste or compost product is transported off the premises of a 37788
composting facility and disposed of at a landfill, the fees levied 37789
under divisions (A), (B), and (C) of this section shall be 37790
collected by the owner or operator of the landfill where the 37791
unprocessed waste or compost product is disposed of. 37792

(7) When solid wastes that consist of scrap tires are 37793
processed at a scrap tire recovery facility, the fees levied under 37794
divisions (A), (B), and (C) of this section shall be levied upon 37795
the disposal of the fly ash and bottom ash or other solid wastes 37796
remaining after the processing of the scrap tires and shall be 37797
collected by the owner or operator of the solid waste disposal 37798
facility where the ash or other solid wastes are disposed of. 37799

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other

officer of the municipal corporation as, by virtue of the charter, 37833
has the duties of the treasurer or to the fiscal officer of the 37834
township, as appropriate, in accordance with those rules. 37835

(F) Moneys received by the treasurer or other officer of the 37836
municipal corporation under division (E) of this section shall be 37837
paid into the general fund of the municipal corporation. Moneys 37838
received by the fiscal officer of the township under that division 37839
shall be paid into the general fund of the township. The treasurer 37840
or other officer of the municipal corporation or the township 37841
fiscal officer, as appropriate, shall maintain separate records of 37842
the moneys received from the fees levied under division (C) of 37843
this section. 37844

(G) Moneys received by the board of county commissioners or 37845
board of directors under division (E) of this section or section 37846
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 37847
shall be paid to the county treasurer, or other official acting in 37848
a similar capacity under a county charter, in a county district or 37849
to the county treasurer or other official designated by the board 37850
of directors in a joint district and kept in a separate and 37851
distinct fund to the credit of the district. If a regional solid 37852
waste management authority has been formed under section 343.011 37853
of the Revised Code, moneys received by the board of trustees of 37854
that regional authority under division (E) of this section shall 37855
be kept by the board in a separate and distinct fund to the credit 37856
of the district. Moneys in the special fund of the county or joint 37857
district arising from the fees levied under division (B) of this 37858
section and the fee levied under division (A) of section 3734.573 37859
of the Revised Code shall be expended by the board of county 37860
commissioners or directors of the district in accordance with the 37861
district's solid waste management plan or amended plan approved 37862
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 37863
exclusively for the following purposes: 37864

- (1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee; 37865
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- (2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs; 37870
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- (3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions; 37874
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- (4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan; 37881
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- (5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities; 37887
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- (6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the 37893
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district's approved solid waste management plan or amended plan;	37896
(7) Providing financial assistance to boards of health within	37897
the district for the enforcement of section 3734.03 of the Revised	37898
Code or to local law enforcement agencies having jurisdiction	37899
within the district for enforcing anti-littering laws and	37900
ordinances;	37901
(8) Providing financial assistance to boards of health of	37902
health districts within the district that are on the approved list	37903
under section 3734.08 of the Revised Code to defray the costs to	37904
the health districts for the participation of their employees	37905
responsible for enforcement of the solid waste provisions of this	37906
chapter and rules adopted and orders and terms and conditions of	37907
permits, licenses, and variances issued under those provisions in	37908
the training and certification program as required by rules	37909
adopted under division (L) of section 3734.02 of the Revised Code;	37910
(9) Providing financial assistance to individual municipal	37911
corporations and townships within the district to defray their	37912
added costs of maintaining roads and other public facilities and	37913
of providing emergency and other public services resulting from	37914
the location and operation within their boundaries of a	37915
composting, energy or resource recovery, incineration, or	37916
recycling facility that either is owned by the district or is	37917
furnishing solid waste management facility or recycling services	37918
to the district pursuant to a contract or agreement with the board	37919
of county commissioners or directors of the district;	37920
(10) Payment of any expenses that are agreed to, awarded, or	37921
ordered to be paid under section 3734.35 of the Revised Code and	37922
of any administrative costs incurred pursuant to that section. In	37923
the case of a joint solid waste management district, if the board	37924
of county commissioners of one of the counties in the district is	37925
negotiating on behalf of affected communities, as defined in that	37926
section, in that county, the board shall obtain the approval of	37927

the board of directors of the district in order to expend moneys 37928
for administrative costs incurred. 37929

Prior to the approval of the district's solid waste 37930
management plan under section 3734.55 of the Revised Code, moneys 37931
in the special fund of the district arising from the fees shall be 37932
expended for those purposes in the manner prescribed by the solid 37933
waste management policy committee by resolution. 37934

Notwithstanding division (G)(6) of this section as it existed 37935
prior to October 29, 1993, or any provision in a district's solid 37936
waste management plan prepared in accordance with division 37937
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 37938
prior to that date, any moneys arising from the fees levied under 37939
division (B)(3) of this section prior to January 1, 1994, may be 37940
expended for any of the purposes authorized in divisions (G)(1) to 37941
(10) of this section. 37942

(H) The director shall adopt rules in accordance with Chapter 37943
119. of the Revised Code prescribing procedures for collecting and 37944
forwarding the fees levied under divisions (B) and (C) of this 37945
section to the boards of county commissioners or directors of 37946
county or joint solid waste management districts and to the 37947
treasurers or other officers of municipal corporations and the 37948
fiscal officers of townships. The rules also shall prescribe the 37949
dates for forwarding the fees to the boards and officials and may 37950
prescribe any other requirements the director considers necessary 37951
or appropriate to implement and administer divisions (A), (B), and 37952
(C) of this section. 37953

Sec. 3734.85. (A) On and after the effective date of the 37954
rules adopted under sections 3734.70, 3734.71, 3734.72, and 37955
3734.73 of the Revised Code, the director of environmental 37956
protection may take action under this section to abate 37957
accumulations of scrap tires. If the director determines that an 37958

accumulation of scrap tires constitutes a danger to the public 37959
health or safety or to the environment, the director shall issue 37960
an order under section 3734.13 of the Revised Code to the person 37961
responsible for the accumulation of scrap tires directing that 37962
person, within one hundred twenty days after the issuance of the 37963
order, to remove the accumulation of scrap tires from the premises 37964
on which it is located and transport the tires to a scrap tire 37965
storage, monocell, monofill, or recovery facility licensed under 37966
section 3734.81 of the Revised Code, to such a facility in another 37967
state operating in compliance with the laws of the state in which 37968
it is located, or to any other solid waste disposal facility in 37969
another state that is operating in compliance with the laws of 37970
that state. If the person responsible for causing the accumulation 37971
of scrap tires is a person different from the owner of the land on 37972
which the accumulation is located, the director may issue such an 37973
order to the landowner. 37974

If the director is unable to ascertain immediately the 37975
identity of the person responsible for causing the accumulation of 37976
scrap tires, the director shall examine the records of the 37977
applicable board of health and law enforcement agencies to 37978
ascertain that person's identity. Before initiating any 37979
enforcement or removal actions under this division against the 37980
owner of the land on which the accumulation is located, the 37981
director shall initiate any such actions against the person that 37982
the director has identified as responsible for causing the 37983
accumulation of scrap tires. Failure of the director to make 37984
diligent efforts to ascertain the identity of the person 37985
responsible for causing the accumulation of scrap tires or to 37986
initiate an action against the person responsible for causing the 37987
accumulation shall not constitute an affirmative defense by a 37988
landowner to an enforcement action initiated by the director under 37989
this division requiring immediate removal of any accumulation of 37990
scrap tires. 37991

Upon the written request of the recipient of an order issued 37992
under this division, the director may extend the time for 37993
compliance with the order if the request demonstrates that the 37994
recipient has acted in good faith to comply with the order. If the 37995
recipient of an order issued under this division fails to comply 37996
with the order within one hundred twenty days after the issuance 37997
of the order or, if the time for compliance with the order was so 37998
extended, within that time, the director shall take such actions 37999
as the director considers reasonable and necessary to remove and 38000
properly manage the scrap tires located on the land named in the 38001
order. The director, through employees of the environmental 38002
protection agency or a contractor, may enter upon the land on 38003
which the accumulation of scrap tires is located and remove and 38004
transport them to a scrap tire recovery facility for processing, 38005
to a scrap tire storage facility for storage, or to a scrap tire 38006
monocell or monofill facility for storage or disposal. 38007

The director shall enter into contracts for the storage, 38008
disposal, or processing of scrap tires removed through removal 38009
operations conducted under this section. 38010

If a person to whom a removal order is issued under this 38011
division fails to comply with the order and if the director 38012
performs a removal action under this section, the person to whom 38013
the removal order is issued is liable to the director for the 38014
costs incurred by the director for conducting the removal 38015
operation, storage at a scrap tire storage facility, storage or 38016
disposal at a scrap tire monocell or monofill facility, or 38017
processing of the scrap tires so removed, the transportation of 38018
the scrap tires from the site of the accumulation to the scrap 38019
tire storage, monocell, monofill, or recovery facility where the 38020
scrap tires were stored, disposed of, or processed, and the 38021
administrative and legal expenses incurred by the director in 38022
connection with the removal operation. The director shall keep an 38023

itemized record of those costs. Upon completion of the actions for 38024
which the costs were incurred, the director shall record the costs 38025
at the office of the county recorder of the county in which the 38026
accumulation of scrap tires was located. The costs so recorded 38027
constitute a lien on the property on which the accumulation of 38028
scrap tires was located until discharged. Upon the written request 38029
of the director, the attorney general shall bring a civil action 38030
against the person responsible for the accumulation of the scrap 38031
tires that were the subject of the removal operation to recover 38032
the costs for which the person is liable under this division. Any 38033
money so received or recovered shall be credited to the scrap tire 38034
management fund created in section 3734.82 of the Revised Code. 38035

If, in a civil action brought under this division, an owner 38036
of real property is ordered to pay to the director the costs of a 38037
removal action that removed an accumulation of scrap tires from 38038
the person's land or if a lien is placed on the person's land for 38039
the costs of such a removal action, and, in either case, if the 38040
landowner was not the person responsible for causing the 38041
accumulation of scrap tires so removed, the landowner may bring a 38042
civil action against the person who was responsible for causing 38043
the accumulation to recover the amount of the removal costs that 38044
the court ordered the landowner to pay to the director or the 38045
amount of the removal costs certified to the county recorder as a 38046
lien on the landowner's property, whichever is applicable. If the 38047
landowner prevails in the civil action against the person who was 38048
responsible for causing the accumulation of scrap tires, the 38049
court, as it considers appropriate, may award to the landowner the 38050
reasonable attorney's fees incurred by the landowner for bringing 38051
the action, court costs, and other reasonable expenses incurred by 38052
the landowner in connection with the civil action. A landowner 38053
shall bring such a civil action within two years after making the 38054
final payment of the removal costs to the director pursuant to the 38055
judgment rendered against the landowner in the civil action 38056

brought under this division upon the director's request or within 38057
two years after the director certified the costs of the removal 38058
action to the county recorder, as appropriate. A person who, at 38059
the time that a removal action was conducted under this division, 38060
owned the land on which the removal action was performed may bring 38061
an action under this division to recover the costs of the removal 38062
action from the person responsible for causing the accumulation of 38063
scrap tires so removed regardless of whether the person owns the 38064
land at the time of bringing the action. 38065

Subject to the limitations set forth in division (G) of 38066
section 3734.82 of the Revised Code, the director may use moneys 38067
in the scrap tire management fund for conducting removal actions 38068
under this division. Any moneys recovered under this division 38069
shall be credited to the scrap tire management fund. 38070

(B) The director shall initiate enforcement and removal 38071
actions under division (A) of this section in accordance with the 38072
following descending listing of priorities: 38073

(1) Accumulations of scrap tires that the director finds 38074
constitute a fire hazard or threat to public health; 38075

(2) Accumulations of scrap tires determined by the director 38076
to contain more than one million scrap tires; 38077

(3) Accumulations of scrap tires in densely populated areas; 38078

(4) Other accumulations of scrap tires that the director or 38079
board of health of the health district in which the accumulation 38080
is located determines constitute a public nuisance; 38081

(5) Any other accumulations of scrap tires present on 38082
premises operating without a valid license issued under section 38083
3734.05 or 3734.81 of the Revised Code. 38084

(C) The director shall not take enforcement and removal 38085
actions under division (A) of this section against the owner or 38086

operator of, or the owner of the land on which is located, any of	38087
the following:	38088
(1) A premises where not more than one hundred scrap tires	38089
are present at any time;	38090
(2) The premises of a business engaging in the sale of tires	38091
at retail that meets either of the following criteria:	38092
(a) Not more than one thousand scrap tires are present on the	38093
premises at any time in an unsecured, uncovered outdoor location.	38094
(b) Any number of scrap tires are secured in a building or a	38095
covered, enclosed container, trailer, or installation.	38096
(3) The premises of a tire retreading business, a tire	38097
manufacturing finishing center, or a tire adjustment center on	38098
which is located a single, covered scrap tire storage area where	38099
not more than four thousand scrap tires are stored;	38100
(4) The premises of a business that removes tires from motor	38101
vehicles in the ordinary course of business and on which is	38102
located a single scrap tire storage area that occupies not more	38103
than twenty-five hundred square feet;	38104
(5) A solid waste facility licensed under section 3734.05 of	38105
the Revised Code that stores scrap tires on the surface of the	38106
ground if the total land area on which scrap tires are actually	38107
stored does not exceed ten thousand square feet;	38108
(6) A premises where not more than two hundred fifty scrap	38109
tires are stored or kept for agricultural use;	38110
(7) A construction site where scrap tires are stored for use	38111
or used in road resurfacing or the construction of embankments;	38112
(8) A scrap tire collection, storage, monocell, monofill, or	38113
recovery facility licensed under section 3734.81 of the Revised	38114
Code;	38115
(9) A solid waste incineration or energy recovery facility	38116

that is subject to regulation under this chapter and that burns 38117
scrap tires; 38118

(10) A premises where scrap tires are beneficially used and 38119
for which the notice required by rules adopted under section 38120
3734.84 of the Revised Code has been given; 38121

(11) A transporter registered under section 3734.83 of the 38122
Revised Code that collects and holds scrap tires in a covered 38123
trailer or vehicle for not longer than thirty days prior to 38124
transporting them to their final destination. 38125

(D) Nothing in this section restricts any right any person 38126
may have under statute or common law to enforce or seek 38127
enforcement of any law applicable to the management of scrap 38128
tires, abate a nuisance, or seek any other appropriate relief. 38129

(E) An owner of real property ~~upon which there is located an~~ 38130
~~accumulation of not more than five thousand scrap tires~~ is not 38131
liable under division (A) of this section for the cost of the 38132
removal of ~~the~~ up to ten thousand scrap tires on the owner's 38133
property, or more at the director's discretion, and no lien shall 38134
attach to the property under this section, if all of the following 38135
conditions are met: 38136

(1) The tires were placed on the property after the owner 38137
acquired title to the property, or the tires were placed on the 38138
property before the owner acquired title to the property and the 38139
owner acquired title to the property by bequest or devise. 38140

(2) The owner of the property did not have knowledge that the 38141
tires were being placed on the property, or the owner posted on 38142
the property signs prohibiting dumping or took other action to 38143
prevent the placing of tires on the property. 38144

(3) The owner of the property did not participate in or 38145
consent to the placing of the tires on the property. 38146

(4) The owner of the property received no financial benefit 38147
from the placing of the tires on the property or otherwise having 38148
the tires on the property. 38149

(5) Title to the property was not transferred to the owner 38150
for the purpose of evading liability under division (A) of this 38151
section. 38152

(6) The person responsible for placing the tires on the 38153
property, in doing so, was not acting as an agent for the owner of 38154
the property. 38155

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 38156
defray the cost of administering and enforcing the scrap tire 38157
provisions of this chapter, rules adopted under those provisions, 38158
and terms and conditions of orders, variances, and licenses issued 38159
under those provisions; to abate accumulations of scrap tires; to 38160
make grants supporting market development activities for scrap 38161
tires and synthetic rubber from tire manufacturing processes and 38162
tire recycling processes and to support scrap tire amnesty and 38163
cleanup events; to make loans to promote the recycling or recovery 38164
of energy from scrap tires; and to defray the costs of 38165
administering and enforcing sections 3734.90 to 3734.9014 of the 38166
Revised Code, a fee of fifty cents per tire is hereby levied on 38167
the sale of tires. The proceeds of the fee shall be deposited in 38168
the state treasury to the credit of the scrap tire management fund 38169
created in section 3734.82 of the Revised Code. The fee is levied 38170
from the first day of the calendar month that begins next after 38171
thirty days from October 29, 1993, through June 30, ~~2022~~2024. 38172

(2) Beginning on July 1, 2011, and ending on June 30, 38173
~~2022~~2024, there is hereby levied an additional fee of fifty cents 38174
per tire on the sale of tires the proceeds of which shall be 38175
deposited in the state treasury to the credit of the soil and 38176
water conservation district assistance fund created in section 38177

940.15 of the Revised Code. 38178

(B) Only one sale of the same article shall be used in 38179
computing the amount of the fee due. 38180

Sec. 3737.17. (A) As used in this section, a "qualifying 38181
small government" means any of the following: 38182

(1) A township that has a population of not more than five 38183
thousand or, regardless of its population, is located in a county 38184
that has a population of less than one hundred thousand; 38185

(2) A municipal corporation that has a population of not more 38186
than seven thousand five hundred; 38187

(3) A fire district, joint fire district, or fire and 38188
ambulance district that shares territory exclusively with 38189
townships or municipal corporations that meet the conditions of 38190
division (A)(1) or (2) of this section. 38191

(B) The state fire marshal shall administer a small 38192
government fire department services revolving loan program under 38193
which the state fire marshal makes loans to qualifying small 38194
governments for the following purposes: 38195

(1) To expedite purchases of major equipment for fire 38196
fighting, ambulance, emergency medical, or rescue services; 38197

(2) To expedite projects for the construction or renovation 38198
of fire department buildings. 38199

A loan for either purpose under the small government fire 38200
department services revolving loan program is not to carry 38201
interest, and is to be repaid within a term of not longer than 38202
twenty years. A qualifying small government is not eligible to 38203
receive a loan for a project or purchase under the program unless 38204
the qualifying small government contributes to the project or 38205
purchase an amount equal to at least five per cent of the loan 38206
amount. 38207

(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the qualifying small government shall explain how it qualifies for the loan, describe the project or purchase for which it is requesting a loan, state the amount of the loan it requests, and state the amount it is prepared to contribute to the project or purchase. The qualifying small government shall provide additional information to support its application for a loan under the program as requested by the state fire marshal.

(D) The state fire marshal, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the administration of the small government fire department services revolving loan program.

(E) There is hereby created in the state treasury the small government fire department services revolving loan fund, into which shall be deposited repayments by qualifying small governments of loans authorized under this section. The fund also shall consist of appropriated money. Investment earnings on money in the fund shall be credited to the fund. The state fire marshal shall use the money credited to the fund to make loans to qualifying small governments as described in this section. The state fire marshal may loan money from repaid loans credited to the fund at any time to qualifying small governments in accordance with this section.

(F) If the director of commerce determines that the cash balance in the small government fire department services revolving loan fund is insufficient to implement the program established under this section, the director may certify the amount needed, which cannot exceed the amount appropriated to the program for the biennium period for which the certification is made, to the director of budget and management. Upon certification, the

director of budget and management may transfer from the state fire 38240
marshal's fund established in section 3737.71 of the Revised Code 38241
to the small government fire department services revolving loan 38242
fund any amount up to, but not exceeding, the amount certified by 38243
the director of commerce. 38244

Sec. 3737.71. Each insurance company doing business in this 38245
state shall pay to the state in installments, at the time of 38246
making the payments required by section 5729.05 of the Revised 38247
Code, in addition to the taxes required to be paid by it, 38248
three-fourths of one per cent on the gross premium receipts 38249
derived from fire insurance and that portion of the premium 38250
reasonably allocable to insurance against the hazard of fire 38251
included in other coverages except life and sickness and accident 38252
insurance, after deducting return premiums paid and considerations 38253
received for reinsurances as shown by the annual statement of such 38254
company made pursuant to sections 3929.30, 3931.06, and 5729.02 of 38255
the Revised Code. The money received shall be paid into the state 38256
treasury to the credit of the state fire marshal's fund, which is 38257
hereby created. The fund shall be used for the maintenance and 38258
administration of the office of the fire marshal and the Ohio fire 38259
academy established by section 3737.33 of the Revised Code. If the 38260
director of commerce certifies to the director of budget and 38261
management that the cash balance in the state fire marshal's fund 38262
is in excess of the amount needed to pay ongoing operating 38263
expenses, the director of commerce, with the approval of the 38264
director of budget and management, may use the excess amount to 38265
acquire by purchase, lease, or otherwise, real property or 38266
interests in real property to be used for the benefit of the 38267
office of the state fire marshal, or to construct, acquire, 38268
enlarge, equip, furnish, or improve the fire marshal's office 38269
facilities or the facilities of the Ohio fire academy. The state 38270
fire marshal's fund shall be assessed a proportionate share of the 38271

administrative costs of the department of commerce in accordance 38272
with procedures prescribed by the director of commerce ~~and~~ 38273
~~approved by the director of budget and management.~~ Such assessment 38274
shall be paid from the state fire marshal's fund to the division 38275
of administration fund. 38276

Notwithstanding any other provision in this section, if the 38277
director of budget and management determines at any time that the 38278
money in the state fire marshal's fund exceeds the amount 38279
necessary to defray ongoing operating expenses in a fiscal year, 38280
the director may transfer the excess to the general revenue fund. 38281

Sec. 3740.01. As used in this chapter: 38282

(A) "Community-based long-term care provider" means a 38283
provider, as defined in section 173.39 of the Revised Code. 38284

(B) "Community-based long-term care subcontractor" means a 38285
subcontractor, as defined in section 173.38 of the Revised Code. 38286

(C) "Criminal records check" has the same meaning as in 38287
section 109.572 of the Revised Code. 38288

(D) "Direct care" means any of the following: 38289

(1) Any service identified in divisions (G)(1) to (6) of this 38290
section that is provided in a patient's place of residence used as 38291
the patient's home; 38292

(2) Any activity that requires the person performing the 38293
activity to be routinely alone with a patient or to routinely have 38294
access to a patient's personal property or financial documents 38295
regarding a patient; 38296

(3) For each home health agency individually, any other 38297
routine service or activity that the chief administrator of the 38298
home health agency designates as direct care. 38299

(E) "Disqualifying offense" means any of the offenses listed 38300

or described in divisions (A)(3)(a) to (e) of section 109.572 of 38301
the Revised Code. 38302

(F) "Employee" means a person employed by a home health 38303
agency in a full-time, part-time, or temporary position that 38304
involves providing direct care to an individual and a person who 38305
works in such a position due to being referred to a home health 38306
agency by an employment service. 38307

(G) "Home health agency" means a person or government entity, 38308
other than a nursing home, residential care facility, hospice care 38309
program, pediatric respite care program, or immediate family 38310
member, that has the primary function of providing any of the 38311
following services to a patient at a place of residence used as 38312
the patient's home: 38313

(1) Skilled nursing care; 38314

(2) Physical therapy; 38315

(3) Occupational therapy; 38316

(4) Speech-language pathology; 38317

(5) Medical social services; 38318

(6) Home health aide services. 38319

(H) "Home health aide services" means any of the following 38320
services provided by an employee of a home health agency: 38321

(1) Hands-on bathing or assistance with a tub bath or shower; 38322

(2) Assistance with dressing, ambulation, and toileting; 38323

(3) Catheter care but not insertion; 38324

(4) Meal preparation and feeding. 38325

(I) "Hospice care program" and "pediatric respite care 38326
program" have the same meanings as in section 3712.01 of the 38327
Revised Code. 38328

<u>(J) "Immediate family member" means a parent, grandparent,</u>	38329
<u>brother, sister, spouse, son, daughter, aunt, uncle,</u>	38330
<u>mother-in-law, father-in-law, brother-in-law, sister-in-law,</u>	38331
<u>son-in-law, and daughter-in-law.</u>	38332
<u>(K) "Medical social services" means services provided by a</u>	38333
<u>social worker under the direction of a patient's attending</u>	38334
<u>physician.</u>	38335
<u>(L) "Minor drug possession offense" has the same meaning as</u>	38336
<u>in section 2925.01 of the Revised Code.</u>	38337
<u>(M) "Nonagency provider" means a person who provides direct</u>	38338
<u>care to an individual on a self-employed basis and does not</u>	38339
<u>employ, directly or through contract, another person to provide</u>	38340
<u>the services. "Nonagency provider" does not include a caregiver</u>	38341
<u>who is an immediate family member of the individual receiving</u>	38342
<u>direct care.</u>	38343
<u>(N) "Nonmedical home health services" means any of the</u>	38344
<u>following:</u>	38345
<u>(1) Any service identified in divisions (H)(1) to (4) of this</u>	38346
<u>section;</u>	38347
<u>(2) Personal care services;</u>	38348
<u>(3) Any other service the director of health designates as a</u>	38349
<u>nonmedical home health service in rules adopted under section</u>	38350
<u>3740.10 of the Revised Code.</u>	38351
<u>(O) "Nursing home," "residential care facility," and "skilled</u>	38352
<u>nursing care" have the same meanings as in section 3721.01 of the</u>	38353
<u>Revised Code.</u>	38354
<u>(P) "Occupational therapy" has the same meaning as in section</u>	38355
<u>4755.04 of the Revised Code.</u>	38356
<u>(Q) "Personal care services" has the same meaning as in</u>	38357
<u>section 3721.01 of the Revised Code.</u>	38358

<u>(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.</u>	38359
	38360
<u>(S) "Skilled home health services" means any of the following:</u>	38361
	38362
<u>(1) Any service identified in divisions (G)(1) to (5) of this section;</u>	38363
	38364
<u>(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code.</u>	38365
	38366
	38367
<u>(T) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.</u>	38368
	38369
	38370
<u>(U) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.</u>	38371
	38372
<u>(V) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.</u>	38373
	38374
<u>Sec. 3740.02. Beginning one year after the effective date of this section:</u>	38375
	38376
<u>(A)(1) No home health agency shall do either of the following unless the agency holds a current, valid license to provide skilled home health services issued under this chapter:</u>	38377
	38378
	38379
<u>(a) Provide skilled home health services through one or more employees;</u>	38380
	38381
<u>(b) Hold the agency, or any employee of the agency, out as a provider of skilled home health services.</u>	38382
	38383
<u>(2) No home health agency shall do either of the following unless the agency holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:</u>	38384
	38385
	38386
	38387

<u>(a) Provide nonmedical home health services through one or more employees;</u>	38388
	38389
<u>(b) Hold the agency, or any employee of the agency, out as a provider of nonmedical home health services.</u>	38390
	38391
<u>(B)(1) No nonagency provider shall do either of the following unless the provider holds a current, valid license to provide skilled home health services issued under this chapter:</u>	38392
	38393
	38394
<u>(a) Provide skilled home health services;</u>	38395
<u>(b) Hold oneself out as a provider of skilled home health services.</u>	38396
	38397
<u>(2) No nonagency provider shall do either of the following unless the provider holds either a current, valid license to provide nonmedical home health services, or a current, valid license to provide skilled home health services, issued under this chapter:</u>	38398
	38399
	38400
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	38402
<u>(a) Provide nonmedical home health services;</u>	38403
<u>(b) Hold oneself out as a provider of nonmedical home health services.</u>	38404
	38405
Sec. 3740.03. <u>(A)(1) A home health agency or nonagency provider seeking to provide skilled home health services shall apply to the department of health for a skilled home health services license. The application shall include all of the following:</u>	38406
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	38408
	38409
	38410
<u>(a) Evidence that the agency or provider meets one of the following:</u>	38411
	38412
<u>(i) Is certified for participation in the medicare program;</u>	38413
<u>(ii) Is accredited by the accreditation commission for health care, the community health accreditation partner, the joint commission, or another national accreditation organization</u>	38414
	38415
	38416

approved by the United States centers for medicare and medicaid 38417
services and recognized by the department pursuant to rules 38418
adopted under section 3740.10 of the Revised Code; 38419

(iii) To the extent authorized by rules adopted under section 38420
3740.10 of the Revised Code, is either certified by the department 38421
of aging under section 173.391 of the Revised Code to provide 38422
community-based long-term care services or is certified by the 38423
department of developmental disabilities under section 5123.161 of 38424
the Revised Code to provide supported living; 38425

(iv) Otherwise meets medicare conditions of participation, 38426
even though not certified for participation in the medicare 38427
program. 38428

(b) Evidence that the applicant was providing direct care on 38429
or immediately prior to the effective date of this section, or if 38430
the applicant was not providing direct care immediately prior to 38431
the effective date of this section, a surety bond issued by a 38432
company licensed to do business in this state in the amount of 38433
fifty thousand dollars. 38434

(c) An application fee in the amount of two hundred fifty 38435
dollars. 38436

(2) An applicant applying on the basis of division 38437
(A)(1)(a)(iv) of this section shall provide documentation and 38438
comply with conditions as prescribed by rules adopted under 38439
section 3740.10 of the Revised Code. 38440

(B)(1) Except as provided in division (B)(2) of this section, 38441
a home health agency or nonagency provider seeking to provide 38442
nonmedical home health services shall apply to the department of 38443
health for a nonmedical home health services license. Except as 38444
provided in division (B)(3) of this section, the application shall 38445
include all of the following: 38446

(a) Fingerprint impressions of the primary owner of the home 38447

<u>health agency or of the nonagency provider;</u>	38448
<u>(b) Copies of any documents filed and recorded with the secretary of state;</u>	38449
	38450
<u>(c) A notarized affidavit verifying the identity of the applicant;</u>	38451
	38452
<u>(d) If the applicant is a home health agency, a copy of the agency's criminal records check policy;</u>	38453
	38454
<u>(e) A statement identifying the days and hours of operation for the applicant;</u>	38455
	38456
<u>(f) A description of the nonmedical home health services to be provided, and any policies and procedures related to those services, if applicable;</u>	38457
	38458
	38459
<u>(g) Identification of the applicant's primary place of business and a description of the geographic area to be served;</u>	38460
	38461
<u>(h) Evidence that the applicant was providing direct care on or immediately prior to the effective date of this section, or if the applicant was not providing direct care immediately prior to the effective date of this section, a surety bond issued by a company licensed to do business in this state in the amount of twenty thousand dollars;</u>	38462
	38463
	38464
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	38467
<u>(i) An application fee in the amount of two hundred fifty dollars.</u>	38468
	38469
<u>(2) A home health agency or nonagency provider that holds a skilled home health services license issued under division (A) of this section may provide nonmedical home health services without obtaining a nonmedical home health services license.</u>	38470
	38471
	38472
	38473
<u>(3) To the extent authorized by rules adopted under section 3740.10 of the Revised Code, the director of health may waive receipt of one or more of the items identified in divisions (B)(1)(a) to (g) of this section if the agency or provider submits</u>	38474
	38475
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evidence that the agency or provider is either certified by the 38478
department of aging under section 173.391 of the Revised Code to 38479
provide community-based long-term care services or is certified by 38480
the department of developmental disabilities under section 38481
5123.161 of the Revised Code to provide supported living. 38482

(C) An applicant under this section shall use the application 38483
form prescribed by rules adopted under section 3740.10 of the 38484
Revised Code and comply with license procedures established by 38485
those rules. 38486

Sec. 3740.04. The department of health shall review each 38487
license application received under section 3740.03 of the Revised 38488
Code. The department's review of the application shall include a 38489
site visit to verify that medicare conditions of participation are 38490
met if the applicant has not had such a site visit within the 38491
five-year period immediately preceding the date of the 38492
application. 38493

Except as provided in section 3740.07 of the Revised Code, 38494
the department shall issue the appropriate license to an applicant 38495
if the applicant has paid the application fee and demonstrated to 38496
the department's satisfaction that the requirements established 38497
under section 3740.03 of the Revised Code are met. 38498

Sec. 3740.05. (A) Except as provided in section 3740.07 of 38499
the Revised Code and in division (B) of this section, a license 38500
issued under section 3740.04 of the Revised Code is valid for 38501
three years. A person seeking to renew the license shall apply to 38502
the department of health using a license renewal form prescribed 38503
by rules adopted under section 3740.10 of the Revised Code and 38504
comply with any renewal application procedures established by 38505
those rules. The department shall review each application for 38506
license renewal and shall renew the license for three years if the 38507

applicant has paid the renewal fee of two hundred fifty dollars 38508
and demonstrated to the department's satisfaction that the 38509
applicant continues to meet the requirements established in 38510
section 3740.03 of the Revised Code. 38511

(B) The department may adjust an initial license renewal date 38512
to align renewal of a license issued under this chapter with the 38513
renewal of a certification or accreditation identified in 38514
divisions (A)(1)(a)(i) to (iii) of section 3740.03 of the Revised 38515
Code. 38516

Sec. 3740.07. (A) For any of the reasons established in rules 38517
adopted under section 3740.10 of the Revised Code, the department 38518
of health may take one or more of the following actions, as 38519
applicable, with respect to an applicant for or the holder of a 38520
license under this chapter: 38521

(1) Refuse to issue a license; 38522

(2) Refuse to renew or reinstate the holder's license; 38523

(3) Impose limitations on the holder's license; 38524

(4) Revoke or suspend the holder's license; 38525

(5) Place the license holder on probation with regard to the 38526
holder's license or otherwise reprimand the license holder. 38527

(B) All actions taken under this section shall be taken in 38528
accordance with Chapter 119. of the Revised Code. 38529

Sec. 3740.10. (A) The director of health shall adopt rules as 38530
the director considers necessary to implement this chapter, 38531
including rules that do all of the following: 38532

(1) Prescribe license application forms and procedures; 38533

(2) Specify the extent to which either of the following 38534
certifications may satisfy the requirements for licensure set 38535

forth in section 3740.03 of the Revised Code, including any 38536
procedures, conditions, or limitations related to the manner in 38537
which the certifications may satisfy the requirements: 38538

(a) A certification by the department of aging under section 38539
173.391 of the Revised Code to provide community-based long-term 38540
care services; 38541

(b) A certification by the department of developmental 38542
disabilities under section 5123.161 of the Revised Code to provide 38543
supported living. 38544

(3) Specify the documentation that must be provided and 38545
conditions that must be met by an applicant seeking a license on 38546
the basis of division (A)(1)(a)(iv) of section 3740.03 of the 38547
Revised Code; 38548

(4) Prescribe license renewal application forms and 38549
procedures; 38550

(5) Establish the reasons for which the department of health 38551
may take action under section 3740.07 of the Revised Code. 38552

(B) All rules adopted under this section shall be adopted in 38553
accordance with Chapter 119. of the Revised Code. In addition, the 38554
rules shall be adopted in consultation with the director of aging, 38555
director of developmental disabilities, and medicaid director. 38556

Sec. ~~3701.881~~ 3740.11. (A) As used in this section: 38557

~~(1) "Applicant", "applicant" means a person who is under~~ 38558
~~final consideration for employment with a home health agency in a~~ 38559
~~full-time, part-time, or temporary position that involves~~ 38560
~~providing direct care to an individual or is referred to a home~~ 38561
~~health agency by an employment service for such a position.~~ 38562

~~(2) "Community based long term care provider" means a~~ 38563
~~provider as defined in section 173.39 of the Revised Code.~~ 38564

(3) "Community based long term care subcontractor" means a subcontractor as defined in section 173.38 of the Revised Code.	38565 38566
(4) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	38567 38568
(5) "Direct care" means any of the following:	38569
(a) Any service identified in divisions (A)(8)(a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;	38570 38571 38572
(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;	38573 38574 38575 38576
(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.	38577 38578 38579
(6) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (c) of section 109.572 of the Revised Code.	38580 38581 38582
(7) "Employee" means a person employed by a home health agency in a full time, part time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.	38583 38584 38585 38586 38587
(8) "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:	38588 38589 38590 38591 38592
(a) Skilled nursing care;	38593
(b) Physical therapy;	38594

(c) Speech language pathology;	38595
(d) Occupational therapy;	38596
(e) Medical social services;	38597
(f) Home health aide services.	38598
(9) "Home health aide services" means any of the following services provided by an employee of a home health agency;	38599 38600
(a) Hands on bathing or assistance with a tub bath or shower;	38601
(b) Assistance with dressing, ambulation, and toileting;	38602
(c) Catheter care but not insertion;	38603
(d) Meal preparation and feeding.	38604
(10) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	38605 38606 38607
(11) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	38608 38609 38610
(12) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	38611 38612
(13) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	38613 38614 38615
(14) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	38616 38617
(15) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	38618 38619
(16) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	38620 38621 38622

~~(17) "Speech language pathology" has the same meaning as in section 4753.01 of the Revised Code.~~ 38623
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~~(18) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code.~~ 38625
38626

(B) No home health agency shall employ an applicant or 38627
continue to employ an employee in a position that involves 38628
providing direct care to an individual if any of the following 38629
apply: 38630

(1) A review of the databases listed in division (D) of this 38631
section reveals any of the following: 38632

(a) That the applicant or employee is included in one or more 38633
of the databases listed in divisions (D)(1) to (5) of this 38634
section; 38635

(b) That there is in the state nurse aide registry 38636
established under section 3721.32 of the Revised Code a statement 38637
detailing findings by the director of health that the applicant or 38638
employee abused, neglected, or exploited a long-term care facility 38639
or residential care facility resident or misappropriated property 38640
of such a resident; 38641

(c) That the applicant or employee is included in one or more 38642
of the databases, if any, specified in rules adopted under this 38643
section and the rules prohibit the home health agency from 38644
employing an applicant or continuing to employ an employee 38645
included in such a database in a position that involves providing 38646
direct care to an individual. 38647

(2) After the applicant or employee is provided, pursuant to 38648
division (E)(2)(a) of this section, a copy of the form prescribed 38649
pursuant to division (C)(1) of section 109.572 of the Revised Code 38650
and the standard impression sheet prescribed pursuant to division 38651
(C)(2) of that section, the applicant or employee fails to 38652
complete the form or provide the applicant's or employee's 38653

fingerprint impressions on the standard impression sheet. 38654

(3) Except as provided in rules adopted under this section, 38655
the applicant or employee is found by a criminal records check 38656
required by this section to have been convicted of, pleaded guilty 38657
to, or been found eligible for intervention in lieu of conviction 38658
for a disqualifying offense. 38659

(C) Except as provided by division (F) of this section, the 38660
chief administrator of a home health agency shall inform each 38661
applicant of both of the following at the time of the applicant's 38662
initial application for employment or referral to the home health 38663
agency by an employment service for a position that involves 38664
providing direct care to an individual: 38665

(1) That a review of the databases listed in division (D) of 38666
this section will be conducted to determine whether the home 38667
health agency is prohibited by division (B)(1) of this section 38668
from employing the applicant in the position; 38669

(2) That, unless the database review reveals that the 38670
applicant may not be employed in the position, a criminal records 38671
check of the applicant will be conducted and the applicant is 38672
required to provide a set of the applicant's fingerprint 38673
impressions as part of the criminal records check. 38674

(D) As a condition of employing any applicant in a position 38675
that involves providing direct care to an individual, the chief 38676
administrator of a home health agency shall conduct a database 38677
review of the applicant in accordance with rules adopted under 38678
this section. If rules adopted under this section so require, the 38679
chief administrator of a home health agency shall conduct a 38680
database review of an employee in accordance with the rules as a 38681
condition of continuing to employ the employee in a position that 38682
involves providing direct care to an individual. However, the 38683
chief administrator is not required to conduct a database review 38684

of an applicant or employee if division (F) of this section 38685
applies. A database review shall determine whether the applicant 38686
or employee is included in any of the following: 38687

(1) The excluded parties list system that is maintained by 38688
the United States general services administration pursuant to 38689
subpart 9.4 of the federal acquisition regulation and available at 38690
the federal web site known as the system for award management; 38691

(2) The list of excluded individuals and entities maintained 38692
by the office of inspector general in the United States department 38693
of health and human services pursuant to the "Social Security 38694
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 38695

(3) The registry of developmental disabilities employees 38696
established under section 5123.52 of the Revised Code; 38697

(4) The internet-based sex offender and child-victim offender 38698
database established under division (A)(11) of section 2950.13 of 38699
the Revised Code; 38700

(5) The internet-based database of inmates established under 38701
section 5120.66 of the Revised Code; 38702

(6) The state nurse aide registry established under section 38703
3721.32 of the Revised Code; 38704

(7) Any other database, if any, specified in rules adopted 38705
under this section. 38706

(E)(1) As a condition of employing any applicant in a 38707
position that involves providing direct care to an individual, the 38708
chief administrator of a home health agency shall request the 38709
superintendent of the bureau of criminal identification and 38710
investigation to conduct a criminal records check of the 38711
applicant. If rules adopted under this section so require, the 38712
chief administrator of a home health agency shall request the 38713
superintendent to conduct a criminal records check of an employee 38714

at times specified in the rules as a condition of continuing to 38715
employ the employee in a position that involves providing direct 38716
care to an individual. However, the chief administrator is not 38717
required to request the criminal records check of the applicant or 38718
the employee if division (F) of this section applies or the home 38719
health agency is prohibited by division (B)(1) of this section 38720
from employing the applicant or continuing to employ the employee 38721
in a position that involves providing direct care to an 38722
individual. If an applicant or employee for whom a criminal 38723
records check request is required by this section does not present 38724
proof of having been a resident of this state for the five-year 38725
period immediately prior to the date upon which the criminal 38726
records check is requested or does not provide evidence that 38727
within that five-year period the superintendent has requested 38728
information about the applicant from the federal bureau of 38729
investigation in a criminal records check, the chief administrator 38730
shall request that the superintendent obtain information from the 38731
federal bureau of investigation as a part of the criminal records 38732
check. Even if an applicant or employee for whom a criminal 38733
records check request is required by this section presents proof 38734
that the applicant or employee has been a resident of this state 38735
for that five-year period, the chief administrator may request 38736
that the superintendent include information from the federal 38737
bureau of investigation in the criminal records check. 38738

(2) The chief administrator shall do all of the following: 38739

(a) Provide to each applicant and employee for whom a 38740
criminal records check request is required by this section a copy 38741
of the form prescribed pursuant to division (C)(1) of section 38742
109.572 of the Revised Code and a standard impression sheet 38743
prescribed pursuant to division (C)(2) of that section; 38744

(b) Obtain the completed form and standard impression sheet 38745
from each applicant and employee; 38746

(c) Forward the completed form and standard impression sheet 38747
to the superintendent at the time the chief administrator requests 38748
the criminal records check. 38749

(3) A home health agency shall pay to the bureau of criminal 38750
identification and investigation the fee prescribed pursuant to 38751
division (C)(3) of section 109.572 of the Revised Code for each 38752
criminal records check the agency requests under this section. A 38753
home health agency may charge an applicant a fee not exceeding the 38754
amount the agency pays to the bureau under this section if both of 38755
the following apply: 38756

(a) The home health agency notifies the applicant at the time 38757
of initial application for employment of the amount of the fee and 38758
that, unless the fee is paid, the applicant will not be considered 38759
for employment. 38760

(b) The medicaid program does not reimburse the home health 38761
agency for the fee it pays to the bureau under this section. 38762

(F) Divisions (C) to (E) of this section do not apply with 38763
regard to an applicant or employee if the applicant or employee is 38764
referred to a home health agency by an employment service that 38765
supplies full-time, part-time, or temporary staff for positions 38766
that involve providing direct care to an individual and both of 38767
the following apply: 38768

(1) The chief administrator of the home health agency 38769
receives from the employment service confirmation that a review of 38770
the databases listed in division (D) of this section was conducted 38771
with regard to the applicant or employee. 38772

(2) The chief administrator of the home health agency 38773
receives from the employment service, applicant, or employee a 38774
report of the results of a criminal records check of the applicant 38775
or employee that has been conducted by the superintendent within 38776
the one-year period immediately preceding the following: 38777

(a) In the case of an applicant, the date of the applicant's referral by the employment service to the home health agency; 38778
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(b) In the case of an employee, the date by which the home health agency would otherwise have to request a criminal records check of the employee under division (E) of this section. 38780
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(G)(1) A home health agency may employ conditionally an applicant for whom a criminal records check request is required by this section before obtaining the results of the criminal records check if the agency is not prohibited by division (B) of this section from employing the applicant in a position that involves providing direct care to an individual and either of the following applies: 38783
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(a) The chief administrator of the home health agency requests the criminal records check in accordance with division (E) of this section not later than five business days after the applicant begins conditional employment. 38790
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(b) The applicant is referred to the home health agency by an employment service, the employment service or the applicant provides the chief administrator of the agency a letter that is on the letterhead of the employment service, the letter is dated and signed by a supervisor or another designated official of the employment service, and the letter states all of the following: 38794
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(i) That the employment service has requested the superintendent to conduct a criminal records check regarding the applicant; 38800
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(ii) That the requested criminal records check is to include a determination of whether the applicant has been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense; 38803
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(iii) That the employment service has not received the results of the criminal records check as of the date set forth on 38807
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the letter; 38809

(iv) That the employment service promptly will send a copy of 38810
the results of the criminal records check to the chief 38811
administrator of the home health agency when the employment 38812
service receives the results. 38813

(2) If a home health agency employs an applicant 38814
conditionally pursuant to division (G)(1)(b) of this section, the 38815
employment service, on its receipt of the results of the criminal 38816
records check, promptly shall send a copy of the results to the 38817
chief administrator of the agency. 38818

(3) A home health agency that employs an applicant 38819
conditionally pursuant to division (G)(1)(a) or (b) of this 38820
section shall terminate the applicant's employment if the results 38821
of the criminal records check, other than the results of any 38822
request for information from the federal bureau of investigation, 38823
are not obtained within the period ending sixty days after the 38824
date the request for the criminal records check is made. 38825
Regardless of when the results of the criminal records check are 38826
obtained, if the results indicate that the applicant has been 38827
convicted of, pleaded guilty to, or been found eligible for 38828
intervention in lieu of conviction for a disqualifying offense, 38829
the home health agency shall terminate the applicant's employment 38830
unless circumstances specified in rules adopted under this section 38831
that permit the agency to employ the applicant exist and the 38832
agency chooses to employ the applicant. Termination of employment 38833
under this division shall be considered just cause for discharge 38834
for purposes of division (D)(2) of section 4141.29 of the Revised 38835
Code if the applicant makes any attempt to deceive the home health 38836
agency about the applicant's criminal record. 38837

(H) The report of any criminal records check conducted by the 38838
bureau of criminal identification and investigation in accordance 38839
with section 109.572 of the Revised Code and pursuant to a request 38840

made under this section is not a public record for the purposes of 38841
section 149.43 of the Revised Code and shall not be made available 38842
to any person other than the following: 38843

(1) The applicant or employee who is the subject of the 38844
criminal records check or the applicant's or employee's 38845
representative; 38846

(2) The home health agency requesting the criminal records 38847
check or its representative; 38848

(3) The administrator of any other facility, agency, or 38849
program that provides direct care to individuals that is owned or 38850
operated by the same entity that owns or operates the home health 38851
agency that requested the criminal records check; 38852

(4) The employment service that requested the criminal 38853
records check; 38854

(5) The director of health and the staff of the department of 38855
health who monitor a home health agency's compliance with this 38856
section; 38857

(6) The director of aging or the director's designee if 38858
either of the following apply: 38859

(a) In the case of a criminal records check requested by a 38860
home health agency, the home health agency also is a 38861
community-based long-term care provider or community-based 38862
long-term care subcontractor; 38863

(b) In the case of a criminal records check requested by an 38864
employment service, the employment service makes the request for 38865
an applicant or employee the employment service refers to a home 38866
health agency that also is a community-based long-term care 38867
provider or community-based long-term care subcontractor. 38868

(7) The medicaid director and the staff of the department of 38869
medicaid who are involved in the administration of the medicaid 38870

program if either of the following apply: 38871

(a) In the case of a criminal records check requested by a 38872
home health agency, the home health agency also is a waiver 38873
agency; 38874

(b) In the case of a criminal records check requested by an 38875
employment service, the employment service makes the request for 38876
an applicant or employee the employment service refers to a home 38877
health agency that also is a waiver agency. 38878

(8) Any court, hearing officer, or other necessary individual 38879
involved in a case dealing with any of the following: 38880

(a) A denial of employment of the applicant or employee; 38881

(b) Employment or unemployment benefits of the applicant or 38882
employee; 38883

(c) A civil or criminal action regarding the medicaid 38884
program. 38885

(I) In a tort or other civil action for damages that is 38886
brought as the result of an injury, death, or loss to person or 38887
property caused by an applicant or employee who a home health 38888
agency employs in a position that involves providing direct care 38889
to an individual, all of the following shall apply: 38890

(1) If the home health agency employed the applicant or 38891
employee in good faith and reasonable reliance on the report of a 38892
criminal records check requested under this section, the agency 38893
shall not be found negligent solely because of its reliance on the 38894
report, even if the information in the report is determined later 38895
to have been incomplete or inaccurate. 38896

(2) If the home health agency employed the applicant in good 38897
faith on a conditional basis pursuant to division (G) of this 38898
section, the agency shall not be found negligent solely because it 38899
employed the applicant prior to receiving the report of a criminal 38900

records check requested under this section. 38901

(3) If the home health agency in good faith employed the 38902
applicant or employee according to the personal character 38903
standards established in rules adopted under this section, the 38904
agency shall not be found negligent solely because the applicant 38905
or employee had been convicted of, pleaded guilty to, or been 38906
found eligible for intervention in lieu of conviction for a 38907
disqualifying offense. 38908

(J) The director of health shall adopt rules in accordance 38909
with Chapter 119. of the Revised Code to implement this section. 38910

(1) The rules may do the following: 38911

(a) Require employees to undergo database reviews and 38912
criminal records checks under this section; 38913

(b) If the rules require employees to undergo database 38914
reviews and criminal records checks under this section, exempt one 38915
or more classes of employees from the requirements; 38916

(c) For the purpose of division (D)(7) of this section, 38917
specify other databases that are to be checked as part of a 38918
database review conducted under this section. 38919

(2) The rules shall specify all of the following: 38920

(a) The procedures for conducting database reviews under this 38921
section; 38922

(b) If the rules require employees to undergo database 38923
reviews and criminal records checks under this section, the times 38924
at which the database reviews and criminal records checks are to 38925
be conducted; 38926

(c) If the rules specify other databases to be checked as 38927
part of the database reviews, the circumstances under which a home 38928
health agency is prohibited from employing an applicant or 38929
continuing to employ an employee who is found by a database review 38930

to be included in one or more of those databases; 38931

(d) Circumstances under which a home health agency may employ 38932
an applicant or employee who is found by a criminal records check 38933
required by this section to have been convicted of, pleaded guilty 38934
to, or been found eligible for intervention in lieu of conviction 38935
for a disqualifying offense but meets personal character 38936
standards. 38937

Sec. 3740.99. Whoever violates section 3740.02 of the Revised 38938
Code is guilty of a misdemeanor of the second degree on a first 38939
offense; for each subsequent offense, the person is guilty of a 38940
misdemeanor of the first degree. 38941

Sec. 3741.14. (A) Each filling station offering self-service 38942
shall be operated in accordance with the most recent version of 38943
the national fire protection association standard number ~~30A-1990~~ 38944
30A, as that standard is incorporated into the fire code adopted 38945
by the state fire marshal in accordance with section 3737.82 of 38946
the Revised Code, and the provisions of the "Occupational Safety 38947
and Health Act of 1970," 84 Stat. 1590, 5 U.S.C.A. 5108, and any 38948
amendments thereto and standards adopted thereunder. 38949

(B) The fire marshal shall adopt, as part of the state fire 38950
code, rules governing the equipment, operation, and maintenance of 38951
filling stations. The rules shall be such as are necessary for the 38952
protection of the persons and property of the public, but shall 38953
require as a minimum that: 38954

(2) A sign, in block letters at least four inches in height, 38955
be conspicuously displayed on each gasoline pump island where 38956
self-service is offered stating that it is a self-service island; 38957

(3) Signs giving instructions for the operation of gasoline 38958
dispensing equipment, in block letters, be conspicuously posted at 38959
each filling station offering self-service; 38960

(4) A sign bearing the following words in block letters be	38961
conspicuously posted on each gasoline pump island where	38962
self-service is offered:	38963
(a) "STOP ENGINE";	38964
(b) "NO SMOKING";	38965
(c) "WARNING--IT IS UNLAWFUL AND DANGEROUS TO DISPENSE	38966
GASOLINE INTO UNAPPROVED CONTAINERS";	38967
(d) "PERSONS USING DISPENSERS WITH HOLD-OPEN LATCHES MUST	38968
REMAIN AT THE REFUELING POINT DURING REFUELING".	38969
(5) All signs required by this section be constructed of	38970
rigid, weather-resistant material;	38971
(6) Gasoline dispensing nozzles used by any person other than	38972
a supervisor, employee, or attendant be of an approved automatic	38973
closing type. Any person other than a supervisor, employee, or	38974
attendant using a dispenser with a hold-open latch shall remain at	38975
the refueling point during refueling.	38976
(C) The fire marshal shall not prohibit the operation of a	38977
filling station offering self-service solely because it is an	38978
unattended filling station that utilizes key- or card-operated	38979
self-service flammable or combustible liquid dispensing equipment.	38980
(D) Nothing in this section shall be interpreted to prohibit	38981
the fire marshal from adopting reasonable rules governing the	38982
safety of self-service flammable or combustible liquid dispensing	38983
equipment.	38984
<u>Sec. 3742.11. (A) As used in this section, "renovation,</u>	38985
<u>repair, and painting rule" means the rule adopted by the United</u>	38986
<u>States environmental protection agency pursuant to the "Toxic</u>	38987
<u>Substances Control Act of 1978," 15 U.S.C. 2601.</u>	38988
<u>(B) The director of health may enter into agreements with the</u>	38989

United States environmental protection agency for the 38990
administration and enforcement of the renovation, repair, and 38991
painting rule. The director also may accept available assistance 38992
in support of any agreement. 38993

(C) The director may adopt rules in accordance with Chapter 38994
119. of the Revised Code for the administration and enforcement of 38995
this section. If the director adopts such rules, the director 38996
shall specify all of the following in the rules: 38997

(1) Provisions governing application for certification, 38998
approval and denial of certification, and renewal, suspension, and 38999
revocation of certification under this section; 39000

(2) Fees for any certification issued or renewed under this 39001
section; 39002

(3) Requirements for training and certification, which must 39003
include levels of training and periodic refresher training for 39004
certifications issued under this section; 39005

(4) Procedures to be followed by a person certified under 39006
this section to undertake renovation, repair, and painting 39007
projects and to prevent public exposure to lead hazards and ensure 39008
worker protection during renovation, repair, or painting projects; 39009

(5) Provisions governing the imposition of civil penalties 39010
for violations of procedures adopted under this section. Civil 39011
penalties shall not exceed \$5,000 per violation. 39012

(6) Record-keeping and reporting requirements for a person 39013
certified under this section; 39014

(7) Procedures for the approval of training providers under 39015
this section, including specific training course requirements; 39016

(8) Any other procedures and requirements that the director 39017
determines necessary for the implementation of this section. 39018

Sec. 3745.014. There is hereby created in the state treasury 39019
the central support indirect fund, which shall be administered by 39020
the director of environmental protection. Money credited to the 39021
fund shall be used for administrative costs of the environmental 39022
protection agency. The director may assess any operating funds 39023
from which the agency receives appropriations, except the central 39024
support indirect fund, for a share of the administrative costs of 39025
the agency. The amounts assessed shall be transferred to the 39026
central support indirect fund by means of intrastate transfer 39027
vouchers. The director, ~~with the approval of the director of~~ 39028
~~budget and management,~~ shall determine the rate of assessments. 39029

Sec. 3745.11. (A) Applicants for and holders of permits, 39030
licenses, variances, plan approvals, and certifications issued by 39031
the director of environmental protection pursuant to Chapters 39032
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 39033
to the environmental protection agency for each such issuance and 39034
each application for an issuance as provided by this section. No 39035
fee shall be charged for any issuance for which no application has 39036
been submitted to the director. 39037

(B) Except as otherwise provided in division (C)(2) of this 39038
section, beginning July 1, 1994, each person who owns or operates 39039
an air contaminant source and who is required to apply for and 39040
obtain a Title V permit under section 3704.036 of the Revised Code 39041
shall pay the fees set forth in this division. For the purposes of 39042
this division, total emissions of air contaminants may be 39043
calculated using engineering calculations, emissions factors, 39044
material balance calculations, or performance testing procedures, 39045
as authorized by the director. 39046

The following fees shall be assessed on the total actual 39047
emissions from a source in tons per year of the regulated 39048
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 39049

organic compounds, and lead: 39050

(1) Fifteen dollars per ton on the total actual emissions of 39051
each such regulated pollutant during the period July through 39052
December 1993, to be collected no sooner than July 1, 1994; 39053

(2) Twenty dollars per ton on the total actual emissions of 39054
each such regulated pollutant during calendar year 1994, to be 39055
collected no sooner than April 15, 1995; 39056

(3) Twenty-five dollars per ton on the total actual emissions 39057
of each such regulated pollutant in calendar year 1995, and each 39058
subsequent calendar year, to be collected no sooner than the 39059
fifteenth day of April of the year next succeeding the calendar 39060
year in which the emissions occurred. 39061

The fees levied under this division do not apply to that 39062
portion of the emissions of a regulated pollutant at a facility 39063
that exceed four thousand tons during a calendar year. 39064

(C)(1) The fees assessed under division (B) of this section 39065
are for the purpose of providing funding for the Title V permit 39066
program. 39067

(2) The fees assessed under division (B) of this section do 39068
not apply to emissions from any electric generating unit 39069
designated as a Phase I unit under Title IV of the federal Clean 39070
Air Act prior to calendar year 2000. Those fees shall be assessed 39071
on the emissions from such a generating unit commencing in 39072
calendar year 2001 based upon the total actual emissions from the 39073
generating unit during calendar year 2000 and shall continue to be 39074
assessed each subsequent calendar year based on the total actual 39075
emissions from the generating unit during the preceding calendar 39076
year. 39077

(3) The director shall issue invoices to owners or operators 39078
of air contaminant sources who are required to pay a fee assessed 39079
under division (B) or (D) of this section. Any such invoice shall 39080

be issued no sooner than the applicable date when the fee first 39081
may be collected in a year under the applicable division, shall 39082
identify the nature and amount of the fee assessed, and shall 39083
indicate that the fee is required to be paid within thirty days 39084
after the issuance of the invoice. 39085

~~(D)(1) Except as provided in division (D)(3) of this section, 39086
from January 1, 1994, through December 31, 2003, each person who 39087
owns or operates an air contaminant source; who is required to 39088
apply for a permit to operate pursuant to rules adopted under 39089
division (G), or a variance pursuant to division (H), of section 39090
3704.03 of the Revised Code; and who is not required to apply for 39091
and obtain a Title V permit under section 3704.036 of the Revised 39092
Code shall pay a single fee based upon the sum of the actual 39093
annual emissions from the facility of the regulated pollutants 39094
particulate matter, sulfur dioxide, nitrogen oxides, organic 39095
compounds, and lead in accordance with the following schedule:~~ 39096

Total tons per year 39097		
of regulated pollutants 39098	Annual fee	
emitted 39099	per facility	
More than 0, but less than 50 39100	\$ 75	
50 or more, but less than 100 39101	300	
100 or more 39102	700	

~~(2) Except as provided in division (D)(3)(D)(2) of this 39103
section, beginning January 1, 2004, each person who owns or 39104
operates an air contaminant source; who is required to apply for a 39105
permit to operate pursuant to rules adopted under division (G), or 39106
a variance pursuant to division (H), of section 3704.03 of the 39107
Revised Code; and who is not required to apply for and obtain a 39108
Title V permit under section 3704.03 of the Revised Code shall pay 39109
a single fee based upon the sum of the actual annual emissions 39110
from the facility of the regulated pollutants particulate matter, 39111
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 39112~~

accordance with the following schedule:		39113
Total tons per year		39114
of regulated pollutants	Annual fee	39115
emitted	per facility	39116
More than 0, but less than 10	\$ 100	39117
10 or more, but less than 50	200	39118
50 or more, but less than 100	300	39119
100 or more	700	39120
(3)(a) (2)(a) As used in division (D) of this section,		39121
"synthetic minor facility" means a facility for which one or more		39122
permits to install or permits to operate have been issued for the		39123
air contaminant sources at the facility that include terms and		39124
conditions that lower the facility's potential to emit air		39125
contaminants below the major source thresholds established in		39126
rules adopted under section 3704.036 of the Revised Code.		39127
(b) Beginning January 1, 2000, through June 30, 2022 2024,		39128
each person who owns or operates a synthetic minor facility shall		39129
pay an annual fee based on the sum of the actual annual emissions		39130
from the facility of particulate matter, sulfur dioxide, nitrogen		39131
dioxide, organic compounds, and lead in accordance with the		39132
following schedule:		39133
Combined total tons		39134
per year of all regulated	Annual fee	39135
pollutants emitted	per facility	39136
Less than 10	\$ 170	39137
10 or more, but less than 20	340	39138
20 or more, but less than 30	670	39139
30 or more, but less than 40	1,010	39140
40 or more, but less than 50	1,340	39141
50 or more, but less than 60	1,680	39142
60 or more, but less than 70	2,010	39143
70 or more, but less than 80	2,350	39144

80 or more, but less than 90	2,680	39145
90 or more, but less than 100	3,020	39146
100 or more	3,350	39147
(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995.		39148
(3) The fees assessed under division		39149
(D)(2)(D)(1) of this section shall be collected annually no sooner		39150
than the fifteenth day of April, commencing in 2005. The fees		39151
assessed under division (D)(3)(D)(2) of this section shall be		39152
collected no sooner than the fifteenth day of April, commencing in		39153
2000. The fees assessed under division (D) of this section in a		39154
calendar year shall be based upon the sum of the actual emissions		39155
of those regulated pollutants during the preceding calendar year.		39156
For the purpose of division (D) of this section, emissions of air		39157
contaminants may be calculated using engineering calculations,		39158
emission factors, material balance calculations, or performance		39159
testing procedures, as authorized by the director. The director,		39160
by rule, may require persons who are required to pay the fees		39161
assessed under division (D) of this section to pay those fees		39162
biennially rather than annually.		39163
		39164
(E)(1) Consistent with the need to cover the reasonable costs		39165
of the Title V permit program, the director annually shall		39166
increase the fees prescribed in division (B) of this section by		39167
the percentage, if any, by which the consumer price index for the		39168
most recent calendar year ending before the beginning of a year		39169
exceeds the consumer price index for calendar year 1989. Upon		39170
calculating an increase in fees authorized by division (E)(1) of		39171
this section, the director shall compile revised fee schedules for		39172
the purposes of division (B) of this section and shall make the		39173
revised schedules available to persons required to pay the fees		39174
assessed under that division and to the public.		39175
		39176
(2) For the purposes of division (E)(1) of this section:		39176

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director shall use the revision of the consumer price index that is most consistent with that for calendar year 1989.

(F) Each person who is issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code on or after July 1, 2003, shall pay the fees specified in the following schedules:

(1) Fuel-burning equipment (boilers, furnaces, or process heaters used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer)		
Input capacity (maximum)		
(million British thermal units per hour)	Permit to install	
Greater than 0, but less than 10	\$ 200	
10 or more, but less than 100	400	
100 or more, but less than 300	1000	
300 or more, but less than 500	2250	
500 or more, but less than 1000	3750	
1000 or more, but less than 5000	6000	
5000 or more	9000	

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity		
Generating capacity (mega watts)	Permit to install	
0 or more, but less than 10	\$ 25	

10 or more, but less than 25	150	39208
25 or more, but less than 50	300	39209
50 or more, but less than 100	500	39210
100 or more, but less than 250	1000	39211
250 or more	2000	39212

(3) Incinerators 39213

Input capacity (pounds per hour)	Permit to install	
0 to 100	\$ 100	39215
101 to 500	500	39216
501 to 2000	1000	39217
2001 to 20,000	1500	39218
more than 20,000	3750	39219

(4)(a) Process 39220

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	39222
1001 to 5000	500	39223
5001 to 10,000	750	39224
10,001 to 50,000	1000	39225
more than 50,000	1250	39226

In any process where process weight rate cannot be 39227
ascertained, the minimum fee shall be assessed. A boiler, furnace, 39228
combustion turbine, stationary internal combustion engine, or 39229
process heater designed to provide direct heat or power to a 39230
process not designed to generate electricity shall be assessed a 39231
fee established in division (F)(4)(a) of this section. A 39232
combustion turbine or stationary internal combustion engine 39233
designed to generate electricity shall be assessed a fee 39234
established in division (F)(2) of this section. 39235

(b) Notwithstanding division (F)(4)(a) of this section, any 39236
person issued a permit to install pursuant to rules adopted under 39237
division (F) of section 3704.03 of the Revised Code shall pay the 39238
fees set forth in division (F)(4)(c) of this section for a process 39239

used in any of the following industries, as identified by the 39240
applicable two-digit, three-digit, or four-digit standard 39241
industrial classification code according to the Standard 39242
Industrial Classification Manual published by the United States 39243
office of management and budget in the executive office of the 39244
president, 1987, as revised: 39245

Major group 10, metal mining; 39246

Major group 12, coal mining; 39247

Major group 14, mining and quarrying of nonmetallic minerals; 39248

Industry group 204, grain mill products; 39249

2873 Nitrogen fertilizers; 39250

2874 Phosphatic fertilizers; 39251

3281 Cut stone and stone products; 39252

3295 Minerals and earth, ground or otherwise treated; 39253

4221 Grain elevators (storage only); 39254

5159 Farm related raw materials; 39255

5261 Retail nurseries and lawn and garden supply stores. 39256

(c) The fees set forth in the following schedule apply to the 39257
issuance of a permit to install pursuant to rules adopted under 39258
division (F) of section 3704.03 of the Revised Code for a process 39259
identified in division (F)(4)(b) of this section: 39260

Process weight rate (pounds per Permit to install 39261
hour)

0 to 10,000 \$ 200 39262

10,001 to 50,000 400 39263

50,001 to 100,000 500 39264

100,001 to 200,000 600 39265

200,001 to 400,000 750 39266

400,001 or more 900 39267

(5) Storage tanks		39268
Gallons (maximum useful capacity)	Permit to install	39269
0 to 20,000	\$ 100	39270
20,001 to 40,000	150	39271
40,001 to 100,000	250	39272
100,001 to 500,000	400	39273
500,001 or greater	750	39274
(6) Gasoline/fuel dispensing facilities		39275
For each gasoline/fuel		39276
dispensing facility (includes all	Permit to install	39277
units at the facility)	\$ 100	39278
(7) Dry cleaning facilities		39279
For each dry cleaning		39280
facility (includes all units	Permit to install	39281
at the facility)	\$ 100	39282
(8) Registration status		39283
For each source covered	Permit to install	39284
by registration status	\$ 75	39285
(G) An owner or operator who is responsible for an asbestos		39286
demolition or renovation project pursuant to rules adopted under		39287
section 3704.03 of the Revised Code shall pay, upon submitting a		39288
notification pursuant to rules adopted under that section, the		39289
fees set forth in the following schedule:		39290
Action	Fee	39291
Each notification	\$75	39292
Asbestos removal	\$3/unit	39293
Asbestos cleanup	\$4/cubic yard	39294
For purposes of this division, "unit" means any combination of		39295
linear feet or square feet equal to fifty.		39296
(H) A person who is issued an extension of time for a permit		39297
to install an air contaminant source pursuant to rules adopted		39298

under division (F) of section 3704.03 of the Revised Code shall 39299
pay a fee equal to one-half the fee originally assessed for the 39300
permit to install under this section, except that the fee for such 39301
an extension shall not exceed two hundred dollars. 39302

(I) A person who is issued a modification to a permit to 39303
install an air contaminant source pursuant to rules adopted under 39304
section 3704.03 of the Revised Code shall pay a fee equal to 39305
one-half of the fee that would be assessed under this section to 39306
obtain a permit to install the source. The fee assessed by this 39307
division only applies to modifications that are initiated by the 39308
owner or operator of the source and shall not exceed two thousand 39309
dollars. 39310

(J) Notwithstanding division (F) of this section, a person 39311
who applies for or obtains a permit to install pursuant to rules 39312
adopted under division (F) of section 3704.03 of the Revised Code 39313
after the date actual construction of the source began shall pay a 39314
fee for the permit to install that is equal to twice the fee that 39315
otherwise would be assessed under the applicable division unless 39316
the applicant received authorization to begin construction under 39317
division (W) of section 3704.03 of the Revised Code. This division 39318
only applies to sources for which actual construction of the 39319
source begins on or after July 1, 1993. The imposition or payment 39320
of the fee established in this division does not preclude the 39321
director from taking any administrative or judicial enforcement 39322
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 39323
of the Revised Code, or a rule adopted under any of them, in 39324
connection with a violation of rules adopted under division (F) of 39325
section 3704.03 of the Revised Code. 39326

As used in this division, "actual construction of the source" 39327
means the initiation of physical on-site construction activities 39328
in connection with improvements to the source that are permanent 39329
in nature, including, without limitation, the installation of 39330

building supports and foundations and the laying of underground 39331
pipework. 39332

(K)(1) Money received under division (B) of this section 39333
shall be deposited in the state treasury to the credit of the 39334
Title V clean air fund created in section 3704.035 of the Revised 39335
Code. Annually, not more than fifty cents per ton of each fee 39336
assessed under division (B) of this section on actual emissions 39337
from a source and received by the environmental protection agency 39338
pursuant to that division may be transferred by the director using 39339
an interstate transfer voucher to the state treasury to the credit 39340
of the small business assistance fund created in section 3706.19 39341
of the Revised Code. In addition, annually, the amount of money 39342
necessary for the operation of the office of ombudsperson as 39343
determined under division (B) of that section shall be transferred 39344
to the state treasury to the credit of the small business 39345
ombudsperson fund created by that section. 39346

(2) Money received by the agency pursuant to divisions (D), 39347
(F), (G), (H), (I), and (J) of this section shall be deposited in 39348
the state treasury to the credit of the non-Title V clean air fund 39349
created in section 3704.035 of the Revised Code. 39350

(L)(1) A person applying for a plan approval for a wastewater 39351
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 39352
of the Revised Code shall pay a nonrefundable fee of one hundred 39353
dollars plus sixty-five one-hundredths of one per cent of the 39354
estimated project cost through June 30, ~~2022~~2024, and a 39355
nonrefundable application fee of one hundred dollars plus 39356
two-tenths of one per cent of the estimated project cost on and 39357
after July 1, ~~2022~~2024, except that the total fee shall not exceed 39358
fifteen thousand dollars through June 30, ~~2022~~2024, and five 39359
thousand dollars on and after July 1, ~~2022~~2024. The fee shall be 39360
paid at the time the application is submitted. 39361

(2) A person who has entered into an agreement with the 39362

director under section 6111.14 of the Revised Code shall pay an 39363
administrative service fee for each plan submitted under that 39364
section for approval that shall not exceed the minimum amount 39365
necessary to pay administrative costs directly attributable to 39366
processing plan approvals. The director annually shall calculate 39367
the fee and shall notify all persons who have entered into 39368
agreements under that section, or who have applied for agreements, 39369
of the amount of the fee. 39370

(3)(a)(i) Not later than January 30, ~~2020~~2022, and January 39371
30, ~~2021~~2023, a person holding an NPDES discharge permit issued 39372
pursuant to Chapter 6111. of the Revised Code with an average 39373
daily discharge flow of five thousand gallons or more shall pay a 39374
nonrefundable annual discharge fee. Any person who fails to pay 39375
the fee at that time shall pay an additional amount that equals 39376
ten per cent of the required annual discharge fee. 39377

(ii) The billing year for the annual discharge fee 39378
established in division (L)(3)(a)(i) of this section shall consist 39379
of a twelve-month period beginning on the first day of January of 39380
the year preceding the date when the annual discharge fee is due. 39381
In the case of an existing source that permanently ceases to 39382
discharge during a billing year, the director shall reduce the 39383
annual discharge fee, including the surcharge applicable to 39384
certain industrial facilities pursuant to division (L)(3)(c) of 39385
this section, by one-twelfth for each full month during the 39386
billing year that the source was not discharging, but only if the 39387
person holding the NPDES discharge permit for the source notifies 39388
the director in writing, not later than the first day of October 39389
of the billing year, of the circumstances causing the cessation of 39390
discharge. 39391

(iii) The annual discharge fee established in division 39392
(L)(3)(a)(i) of this section, except for the surcharge applicable 39393
to certain industrial facilities pursuant to division (L)(3)(c) of 39394

this section, shall be based upon the average daily discharge flow 39395
in gallons per day calculated using first day of May through 39396
thirty-first day of October flow data for the period two years 39397
prior to the date on which the fee is due. In the case of NPDES 39398
discharge permits for new sources, the fee shall be calculated 39399
using the average daily design flow of the facility until actual 39400
average daily discharge flow values are available for the time 39401
period specified in division (L)(3)(a)(iii) of this section. The 39402
annual discharge fee may be prorated for a new source as described 39403
in division (L)(3)(a)(ii) of this section. 39404

(b)(i) An NPDES permit holder that is a public discharger 39405
shall pay the fee specified in the following schedule: 39406

Average daily	Fee due by	
discharge flow	January 30,	
	2020 2022, and	
	January 30,	
	2021 2023	
5,000 to 49,999	\$ 200	39411
50,000 to 100,000	500	39412
100,001 to 250,000	1,050	39413
250,001 to 1,000,000	2,600	39414
1,000,001 to 5,000,000	5,200	39415
5,000,001 to 10,000,000	10,350	39416
10,000,001 to 20,000,000	15,550	39417
20,000,001 to 50,000,000	25,900	39418
50,000,001 to 100,000,000	41,400	39419
100,000,001 or more	62,100	39420

(ii) Public dischargers owning or operating two or more 39421
publicly owned treatment works serving the same political 39422
subdivision, as "treatment works" is defined in section 6111.01 of 39423
the Revised Code, and that serve exclusively political 39424
subdivisions having a population of fewer than one hundred 39425

thousand persons shall pay an annual discharge fee under division 39426
(L)(3)(b)(i) of this section that is based on the combined average 39427
daily discharge flow of the treatment works. 39428

(c)(i) An NPDES permit holder that is an industrial 39429
discharger, other than a coal mining operator identified by P in 39430
the third character of the permittee's NPDES permit number, shall 39431
pay the fee specified in the following schedule: 39432

Average daily	Fee due by	
discharge flow	January 30,	
	2020 <u>2022</u> , and	
	January 30,	
	2021 <u>2023</u>	
5,000 to 49,999	\$ 250	39437
50,000 to 250,000	1,200	39438
250,001 to 1,000,000	2,950	39439
1,000,001 to 5,000,000	5,850	39440
5,000,001 to 10,000,000	8,800	39441
10,000,001 to 20,000,000	11,700	39442
20,000,001 to 100,000,000	14,050	39443
100,000,001 to 250,000,000	16,400	39444
250,000,001 or more	18,700	39445

(ii) In addition to the fee specified in the above schedule, 39446
an NPDES permit holder that is an industrial discharger classified 39447
as a major discharger during all or part of the annual discharge 39448
fee billing year specified in division (L)(3)(a)(ii) of this 39449
section shall pay a nonrefundable annual surcharge of seven 39450
thousand five hundred dollars not later than January 30, ~~2020~~2022, 39451
and not later than January 30, ~~2021~~2023. Any person who fails to 39452
pay the surcharge at that time shall pay an additional amount that 39453
equals ten per cent of the amount of the surcharge. 39454

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 39455
section, a public discharger, that is not a separate municipal 39456

storm sewer system, identified by I in the third character of the 39457
permittee's NPDES permit number and an industrial discharger 39458
identified by I, J, L, V, W, X, Y, or Z in the third character of 39459
the permittee's NPDES permit number shall pay a nonrefundable 39460
annual discharge fee of one hundred eighty dollars not later than 39461
January 30, ~~2020~~2022, and not later than January 30, ~~2021~~2023. Any 39462
person who fails to pay the fee at that time shall pay an 39463
additional amount that equals ten per cent of the required fee. 39464

(4) Each person obtaining an NPDES permit for municipal storm 39465
water discharge shall pay a nonrefundable storm water annual 39466
discharge fee of ten dollars per one-tenth of a square mile of 39467
area permitted. The fee shall not exceed ten thousand dollars and 39468
shall be payable on or before January 30, 2004, and the thirtieth 39469
day of January of each year thereafter. Any person who fails to 39470
pay the fee on the date specified in division (L)(4) of this 39471
section shall pay an additional amount per year equal to ten per 39472
cent of the annual fee that is unpaid. 39473

(5) The director shall transmit all moneys collected under 39474
division (L) of this section to the treasurer of state for deposit 39475
into the state treasury to the credit of the surface water 39476
protection fund created in section 6111.038 of the Revised Code. 39477

(6) As used in this section: 39478

(a) "NPDES" means the federally approved national pollutant 39479
discharge elimination system individual and general program for 39480
issuing, modifying, revoking, reissuing, terminating, monitoring, 39481
and enforcing permits and imposing and enforcing pretreatment 39482
requirements under Chapter 6111. of the Revised Code and rules 39483
adopted under it. 39484

(b) "Public discharger" means any holder of an NPDES permit 39485
identified by P in the second character of the NPDES permit number 39486
assigned by the director. 39487

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 39488
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(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 39491
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(M) Through June 30, ~~2022~~2024, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 39495
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Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 39505
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(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is: 39508
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39512

Number of service connections	Fee amount	
Not more than 49	\$ 112	39513 39514
50 to 99	176	39515
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	39516 39517
2,500 to 4,999	1.48	39518

5,000 to 7,499	1.42	39519
7,500 to 9,999	1.34	39520
10,000 to 14,999	1.16	39521
15,000 to 24,999	1.10	39522
25,000 to 49,999	1.04	39523
50,000 to 99,999	.92	39524
100,000 to 149,999	.86	39525
150,000 to 199,999	.80	39526
200,000 or more	.76	39527

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	39541
150 to 299	176	39543
300 to 749	384	39544
750 to 1,499	628	39545
1,500 to 2,999	1,268	39546
3,000 to 7,499	2,816	39547
7,500 to 14,999	5,510	39548
15,000 to 22,499	9,048	39549
22,500 to 29,999	12,430	39550

30,000 or more 16,820 39551

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2022~~2024, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	39564
2	112	39565
3	176	39566
4	278	39567
5	568	39568
System designated as using a surface water source	792	39570

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder

of the licensing year. 39582

(N)(1) A person applying for a plan approval for a public 39583
water supply system under section 6109.07 of the Revised Code 39584
shall pay a fee of one hundred fifty dollars plus thirty-five 39585
hundredths of one per cent of the estimated project cost, except 39586
that the total fee shall not exceed twenty thousand dollars 39587
through June 30, ~~2022~~2024, and fifteen thousand dollars on and 39588
after July 1, ~~2022~~2024. The fee shall be paid at the time the 39589
application is submitted. 39590

(2) A person who has entered into an agreement with the 39591
director under division (A)(2) of section 6109.07 of the Revised 39592
Code shall pay an administrative service fee for each plan 39593
submitted under that section for approval that shall not exceed 39594
the minimum amount necessary to pay administrative costs directly 39595
attributable to processing plan approvals. The director annually 39596
shall calculate the fee and shall notify all persons that have 39597
entered into agreements under that division, or who have applied 39598
for agreements, of the amount of the fee. 39599

(3) Through June 30, ~~2022~~2024, the following fee, on a per 39600
survey basis, shall be charged any person for services rendered by 39601
the state in the evaluation of laboratories and laboratory 39602
personnel for compliance with accepted analytical techniques and 39603
procedures established pursuant to Chapter 6109. of the Revised 39604
Code for determining the qualitative characteristics of water: 39605

microbiological		39606
MMO-MUG	\$2,000	39607
MF	2,100	39608
MMO-MUG and MF	2,550	39609
organic chemical	5,400	39610
trace metals	5,400	39611
standard chemistry	2,800	39612
limited chemistry	1,550	39613

On and after July 1, ~~2022~~2024, the following fee, on a per 39614
survey basis, shall be charged any such person: 39615

microbiological	\$ 1,650	39616
organic chemicals	3,500	39617
trace metals	3,500	39618
standard chemistry	1,800	39619
limited chemistry	1,000	39620

The fee for those services shall be paid at the time the request 39621
for the survey is made. Through June 30, ~~2022~~2024, an individual 39622
laboratory shall not be assessed a fee under this division more 39623
than once in any three-year period unless the person requests the 39624
addition of analytical methods or analysts, in which case the 39625
person shall pay eighteen hundred dollars for each additional 39626
survey requested. 39627

As used in division (N)(3) of this section: 39628

(a) "MF" means microfiltration. 39629

(b) "MMO" means minimal medium ONPG. 39630

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 39631

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 39632

The director shall transmit all moneys collected under this 39633
division to the treasurer of state for deposit into the drinking 39634
water protection fund created in section 6109.30 of the Revised 39635
Code. 39636

(O) Any person applying to the director to take an 39637
examination for certification as an operator of a water supply 39638
system or wastewater system under Chapter 6109. or 6111. of the 39639
Revised Code that is administered by the director, at the time the 39640
application is submitted, shall pay a fee in accordance with the 39641
following schedule through November 30, ~~2022~~2024: 39642

Class A operator	\$ 80	39643
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Class I operator	105	39644
Class II operator	120	39645
Class III operator	130	39646
Class IV operator	145	39647

On and after December 1, ~~2022~~2024, the applicant shall pay a fee in accordance with the following schedule:

Class A operator	\$ 50	39650
Class I operator	70	39651
Class II operator	80	39652
Class III operator	90	39653
Class IV operator	100	39654

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	39663
Class I operator	35	39664
Class II operator	45	39665
Class III operator	55	39666
Class IV operator	65	39667

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	39673
Class I operator	55	39674
Class II operator	65	39675

Class III operator	75	39676
Class IV operator	85	39677

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this 39708
section, a person issued a permit by the director for a new solid 39709
waste disposal facility other than an incineration or composting 39710
facility, a new infectious waste treatment facility other than an 39711
incineration facility, or a modification of such an existing 39712
facility that includes an increase in the total disposal or 39713
treatment capacity of the facility pursuant to Chapter 3734. of 39714
the Revised Code shall pay a fee of ten dollars per thousand cubic 39715
yards of disposal or treatment capacity, or one thousand dollars, 39716
whichever is greater, except that the total fee for any such 39717
permit shall not exceed eighty thousand dollars. A person issued a 39718
modification of a permit for a solid waste disposal facility or an 39719
infectious waste treatment facility that does not involve an 39720
increase in the total disposal or treatment capacity of the 39721
facility shall pay a fee of one thousand dollars. A person issued 39722
a permit to install a new, or modify an existing, solid waste 39723
transfer facility under that chapter shall pay a fee of two 39724
thousand five hundred dollars. A person issued a permit to install 39725
a new or to modify an existing solid waste incineration or 39726
composting facility, or an existing infectious waste treatment 39727
facility using incineration as its principal method of treatment, 39728
under that chapter shall pay a fee of one thousand dollars. The 39729
increases in the permit fees under this division resulting from 39730
the amendments made by Amended Substitute House Bill 592 of the 39731
117th general assembly do not apply to any person who submitted an 39732
application for a permit to install a new, or modify an existing, 39733
solid waste disposal facility under that chapter prior to 39734
September 1, 1987; any such person shall pay the permit fee 39735
established in this division as it existed prior to June 24, 1988. 39736
In addition to the applicable permit fee under this division, a 39737
person issued a permit to install or modify a solid waste facility 39738
or an infectious waste treatment facility under that chapter who 39739
fails to pay the permit fee to the director in compliance with 39740

division (V) of this section shall pay an additional ten per cent 39741
of the amount of the fee for each week that the permit fee is 39742
late. 39743

Permit and late payment fees paid to the director under this 39744
division shall be credited to the general revenue fund. 39745

(R)(1) A person issued a registration certificate for a scrap 39746
tire collection facility under section 3734.75 of the Revised Code 39747
shall pay a fee of two hundred dollars, except that if the 39748
facility is owned or operated by a motor vehicle salvage dealer 39749
licensed under Chapter 4738. of the Revised Code, the person shall 39750
pay a fee of twenty-five dollars. 39751

(2) A person issued a registration certificate for a new 39752
scrap tire storage facility under section 3734.76 of the Revised 39753
Code shall pay a fee of three hundred dollars, except that if the 39754
facility is owned or operated by a motor vehicle salvage dealer 39755
licensed under Chapter 4738. of the Revised Code, the person shall 39756
pay a fee of twenty-five dollars. 39757

(3) A person issued a permit for a scrap tire storage 39758
facility under section 3734.76 of the Revised Code shall pay a fee 39759
of one thousand dollars, except that if the facility is owned or 39760
operated by a motor vehicle salvage dealer licensed under Chapter 39761
4738. of the Revised Code, the person shall pay a fee of fifty 39762
dollars. 39763

(4) A person issued a permit for a scrap tire monocell or 39764
monofill facility under section 3734.77 of the Revised Code shall 39765
pay a fee of ten dollars per thousand cubic yards of disposal 39766
capacity or one thousand dollars, whichever is greater, except 39767
that the total fee for any such permit shall not exceed eighty 39768
thousand dollars. 39769

(5) A person issued a registration certificate for a scrap 39770
tire recovery facility under section 3734.78 of the Revised Code 39771

shall pay a fee of one hundred dollars. 39772

(6) A person issued a permit for a scrap tire recovery 39773
facility under section 3734.78 of the Revised Code shall pay a fee 39774
of one thousand dollars. 39775

(7) In addition to the applicable registration certificate or 39776
permit fee under divisions (R)(1) to (6) of this section, a person 39777
issued a registration certificate or permit for any such scrap 39778
tire facility who fails to pay the registration certificate or 39779
permit fee to the director in compliance with division (V) of this 39780
section shall pay an additional ten per cent of the amount of the 39781
fee for each week that the fee is late. 39782

(8) The registration certificate, permit, and late payment 39783
fees paid to the director under divisions (R)(1) to (7) of this 39784
section shall be credited to the scrap tire management fund 39785
created in section 3734.82 of the Revised Code. 39786

~~(S)(1)(a) Except as provided by divisions (L), (M), (N), (O), 39787
(P), and (S)(2) of this section, division (A)(2) of section 39788
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 39789
and rules adopted under division (T)(1) of this section, any 39790
person applying for a registration certificate under section 39791
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 39792
variance, or plan approval under Chapter 3734. of the Revised Code 39793
shall pay a nonrefundable fee of fifteen dollars at the time the 39794
application is submitted. 39795~~

~~(b)~~ Except as otherwise provided, any person applying for a 39796
permit, variance, or plan approval under Chapter 6109. or 6111. of 39797
the Revised Code shall pay a nonrefundable application fee of one 39798
hundred dollars at the time the application is submitted through 39799
June 30, ~~2022~~2024, and a nonrefundable application fee of fifteen 39800
dollars at the time the application is submitted on and after July 39801
1, ~~2022~~2024. 39802

~~(e)(i)(b)(i)~~ Except as otherwise provided in divisions 39803
~~(S)(1)(e)(iii)(S)(1)(b)(iii)~~ and (iv) of this section, through 39804
June 30, ~~2022~~2024, any person applying for an NPDES permit under 39805
Chapter 6111. of the Revised Code shall pay a nonrefundable 39806
application fee of two hundred dollars at the time of application 39807
for the permit. On and after July 1, ~~2022~~2024, such a person shall 39808
pay a nonrefundable application fee of fifteen dollars at the time 39809
of application. 39810

(ii) In addition to the nonrefundable application fee, any 39811
person applying for an NPDES permit under Chapter 6111. of the 39812
Revised Code shall pay a design flow discharge fee based on each 39813
point source to which the issuance is applicable in accordance 39814
with the following schedule: 39815

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	39817
1,001 to 5,000	100	39818
5,001 to 50,000	200	39819
50,001 to 100,000	300	39820
100,001 to 300,000	525	39821
over 300,000	750	39822

(iii) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 39823
(ii) of this section, the application and design flow discharge 39824
fee for an NPDES permit for a public discharger identified by the 39825
letter I in the third character of the NPDES permit number shall 39826
not exceed nine hundred fifty dollars. 39827

(iv) Notwithstanding divisions ~~(S)(1)(e)(i)~~ (S)(1)(b)(i) and 39828
(ii) of this section, the application and design flow discharge 39829
fee for an NPDES permit for a coal mining operation regulated 39830
under Chapter 1513. of the Revised Code shall not exceed four 39831
hundred fifty dollars per mine. 39832

(v) A person issued a modification of an NPDES permit shall 39833
pay a nonrefundable modification fee equal to the application fee 39834

and one-half the design flow discharge fee based on each point 39835
source, if applicable, that would be charged for an NPDES permit, 39836
except that the modification fee shall not exceed six hundred 39837
dollars. 39838

~~(d)~~(c) In addition to the application fee established under 39839
division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this section, any person 39840
applying for an NPDES general storm water construction permit 39841
shall pay a nonrefundable fee of twenty dollars per acre for each 39842
acre that is permitted above five acres at the time the 39843
application is submitted. However, the per acreage fee shall not 39844
exceed three hundred dollars. In addition to the application fee 39845
established under division ~~(S)(1)(e)(i)~~(S)(1)(b)(i) of this 39846
section, any person applying for an NPDES general storm water 39847
industrial permit shall pay a nonrefundable fee of one hundred 39848
fifty dollars at the time the application is submitted. 39849

~~(e)~~(d) The director shall transmit all moneys collected under 39850
division (S)(1) of this section pursuant to Chapter 6109. of the 39851
Revised Code to the treasurer of state for deposit into the 39852
drinking water protection fund created in section 6109.30 of the 39853
Revised Code. 39854

~~(f)~~(e) The director shall transmit all moneys collected under 39855
division (S)(1) of this section pursuant to Chapter 6111. of the 39856
Revised Code and under division ~~(S)(3)~~(S)(2) of this section to 39857
the treasurer of state for deposit into the surface water 39858
protection fund created in section 6111.038 of the Revised Code. 39859

~~(g) If a registration certificate is issued under section 39860
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 39861
the application fee paid shall be deducted from the amount of the 39862
registration certificate fee due under division (R)(1), (2), or 39863
(5) of this section, as applicable. 39864~~

~~(h)~~(f) If a person submits an electronic application for a 39865

registration certificate, permit, variance, or plan approval for 39866
which an application fee is established under division (S)(1) of 39867
this section, the person shall pay all applicable fees as 39868
expeditiously as possible after the submission of the electronic 39869
application. An application for a registration certificate, 39870
permit, variance, or plan approval for which an application fee is 39871
established under division (S)(1) of this section shall not be 39872
reviewed or processed until the applicable application fee, and 39873
any other fees established under this division, are paid. 39874

~~(2) Division (S)(1) of this section does not apply to an 39875
application for a registration certificate for a scrap tire 39876
collection or storage facility submitted under section 3734.75 or 39877
3734.76 of the Revised Code, as applicable, if the owner or 39878
operator of the facility or proposed facility is a motor vehicle 39879
salvage dealer licensed under Chapter 4738. of the Revised Code. 39880~~

~~(3)~~ A person applying for coverage under an NPDES general 39881
discharge permit for household sewage treatment systems shall pay 39882
the following fees: 39883

(a) A nonrefundable fee of two hundred dollars at the time of 39884
application for initial permit coverage; 39885

(b) A nonrefundable fee of one hundred dollars at the time of 39886
application for a renewal of permit coverage. 39887

(T) The director may adopt, amend, and rescind rules in 39888
accordance with Chapter 119. of the Revised Code that do all of 39889
the following: 39890

(1) Prescribe fees to be paid by applicants for and holders 39891
of any license, permit, variance, plan approval, or certification 39892
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 39893
the Revised Code that are not specifically established in this 39894
section. The fees shall be designed to defray the cost of 39895
processing, issuing, revoking, modifying, denying, and enforcing 39896

the licenses, permits, variances, plan approvals, and 39897
certifications. 39898

The director shall transmit all moneys collected under rules 39899
adopted under division (T)(1) of this section pursuant to Chapter 39900
6109. of the Revised Code to the treasurer of state for deposit 39901
into the drinking water protection fund created in section 6109.30 39902
of the Revised Code. 39903

The director shall transmit all moneys collected under rules 39904
adopted under division (T)(1) of this section pursuant to Chapter 39905
6111. of the Revised Code to the treasurer of state for deposit 39906
into the surface water protection fund created in section 6111.038 39907
of the Revised Code. 39908

(2) Exempt the state and political subdivisions thereof, 39909
including education facilities or medical facilities owned by the 39910
state or a political subdivision, or any person exempted from 39911
taxation by section 5709.07 or 5709.12 of the Revised Code, from 39912
any fee required by this section; 39913

(3) Provide for the waiver of any fee, or any part thereof, 39914
otherwise required by this section whenever the director 39915
determines that the imposition of the fee would constitute an 39916
unreasonable cost of doing business for any applicant, class of 39917
applicants, or other person subject to the fee; 39918

(4) Prescribe measures that the director considers necessary 39919
to carry out this section. 39920

(U) When the director reasonably demonstrates that the direct 39921
cost to the state associated with the issuance of a permit, 39922
license, variance, plan approval, or certification exceeds the fee 39923
for the issuance or review specified by this section, the director 39924
may condition the issuance or review on the payment by the person 39925
receiving the issuance or review of, in addition to the fee 39926
specified by this section, the amount, or any portion thereof, in 39927

excess of the fee specified under this section. The director shall 39928
not so condition issuances for which a fee is prescribed in 39929
division ~~(S)(1)(e)(iii)~~(S)(1)(b)(iii) of this section. 39930

(V) Except as provided in divisions (L), (M), (P), and (S) of 39931
this section or unless otherwise prescribed by a rule of the 39932
director adopted pursuant to Chapter 119. of the Revised Code, all 39933
fees required by this section are payable within thirty days after 39934
the issuance of an invoice for the fee by the director or the 39935
effective date of the issuance of the license, permit, variance, 39936
plan approval, or certification. If payment is late, the person 39937
responsible for payment of the fee shall pay an additional ten per 39938
cent of the amount due for each month that it is late. 39939

(W) As used in this section, "fuel-burning equipment," 39940
"fuel-burning equipment input capacity," "incinerator," 39941
"incinerator input capacity," "process," "process weight rate," 39942
"storage tank," "gasoline dispensing facility," "dry cleaning 39943
facility," "design flow discharge," and "new source treatment 39944
works" have the meanings ascribed to those terms by applicable 39945
rules or standards adopted by the director under Chapter 3704. or 39946
6111. of the Revised Code. 39947

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 39948
(J) of this section, and in any other provision of this section 39949
pertaining to fees paid pursuant to Chapter 3704. of the Revised 39950
Code: 39951

(1) "Facility," "federal Clean Air Act," "person," and "Title 39952
V permit" have the same meanings as in section 3704.01 of the 39953
Revised Code. 39954

(2) "Title V permit program" means the following activities 39955
as necessary to meet the requirements of Title V of the federal 39956
Clean Air Act and 40 C.F.R. part 70, including at least: 39957

(a) Preparing and adopting, if applicable, generally 39958

applicable rules or guidance regarding the permit program or its implementation or enforcement;	39959 39960
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	39961 39962 39963 39964
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	39965 39966 39967
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	39968 39969 39970
(e) Emission and ambient monitoring;	39971
(f) Modeling, analyses, or demonstrations;	39972
(g) Preparing inventories and tracking emissions;	39973
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	39974 39975 39976 39977 39978 39979 39980
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	39981 39982 39983
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a nonrefundable annual sludge fee equal to three dollars and fifty cents per dry ton of sewage sludge, including the dry tons of sewage sludge in materials derived from sewage sludge, that the	39984 39985 39986 39987 39988

sewage sludge facility treats or disposes of in this state. The 39989
annual volume of sewage sludge treated or disposed of by a sewage 39990
sludge facility shall be calculated using the first day of January 39991
through the thirty-first day of December of the calendar year 39992
preceding the date on which payment of the fee is due. 39993

(2)(a) Except as provided in division (Y)(2)(d) of this 39994
section, each sewage sludge facility shall pay a minimum annual 39995
sewage sludge fee of one hundred dollars. 39996

(b) The annual sludge fee required to be paid by a sewage 39997
sludge facility that treats or disposes of exceptional quality 39998
sludge in this state shall be thirty-five per cent less per dry 39999
ton of exceptional quality sludge than the fee assessed under 40000
division (Y)(1) of this section, subject to the following 40001
exceptions: 40002

(i) Except as provided in division (Y)(2)(d) of this section, 40003
a sewage sludge facility that treats or disposes of exceptional 40004
quality sludge shall pay a minimum annual sewage sludge fee of one 40005
hundred dollars. 40006

(ii) A sewage sludge facility that treats or disposes of 40007
exceptional quality sludge shall not be required to pay the annual 40008
sludge fee for treatment or disposal in this state of exceptional 40009
quality sludge generated outside of this state and contained in 40010
bags or other containers not greater than one hundred pounds in 40011
capacity. 40012

A thirty-five per cent reduction for exceptional quality 40013
sludge applies to the maximum annual fees established under 40014
division (Y)(3) of this section. 40015

(c) A sewage sludge facility that transfers sewage sludge to 40016
another sewage sludge facility in this state for further treatment 40017
prior to disposal in this state shall not be required to pay the 40018
annual sludge fee for the tons of sewage sludge that have been 40019

transferred. In such a case, the sewage sludge facility that 40020
disposes of the sewage sludge shall pay the annual sludge fee. 40021
However, the facility transferring the sewage sludge shall pay the 40022
one-hundred-dollar minimum fee required under division (Y)(2)(a) 40023
of this section. 40024

In the case of a sewage sludge facility that treats sewage 40025
sludge in this state and transfers it out of this state to another 40026
entity for disposal, the sewage sludge facility in this state 40027
shall be required to pay the annual sludge fee for the tons of 40028
sewage sludge that have been transferred. 40029

(d) A sewage sludge facility that generates sewage sludge 40030
resulting from an average daily discharge flow of less than five 40031
thousand gallons per day is not subject to the fees assessed under 40032
division (Y) of this section. 40033

(3) No sewage sludge facility required to pay the annual 40034
sludge fee shall be required to pay more than the maximum annual 40035
fee for each disposal method that the sewage sludge facility uses. 40036
The maximum annual fee does not include the additional amount that 40037
may be charged under division (Y)(5) of this section for late 40038
payment of the annual sludge fee. The maximum annual fee for the 40039
following methods of disposal of sewage sludge is as follows: 40040

(a) Incineration: five thousand dollars; 40041

(b) Preexisting land reclamation project or disposal in a 40042
landfill: five thousand dollars; 40043

(c) Land application, land reclamation, surface disposal, or 40044
any other disposal method not specified in division (Y)(3)(a) or 40045
(b) of this section: twenty thousand dollars. 40046

(4)(a) In the case of an entity that generates sewage sludge 40047
or a sewage sludge facility that treats sewage sludge and 40048
transfers the sewage sludge to an incineration facility for 40049
disposal, the incineration facility, and not the entity generating 40050

the sewage sludge or the sewage sludge facility treating the 40051
sewage sludge, shall pay the annual sludge fee for the tons of 40052
sewage sludge that are transferred. However, the entity or 40053
facility generating or treating the sewage sludge shall pay the 40054
one-hundred-dollar minimum fee required under division (Y)(2)(a) 40055
of this section. 40056

(b) In the case of an entity that generates sewage sludge and 40057
transfers the sewage sludge to a landfill for disposal or to a 40058
sewage sludge facility for land reclamation or surface disposal, 40059
the entity generating the sewage sludge, and not the landfill or 40060
sewage sludge facility, shall pay the annual sludge fee for the 40061
tons of sewage sludge that are transferred. 40062

(5) Not later than the first day of April of the calendar 40063
year following March 17, 2000, and each first day of April 40064
thereafter, the director shall issue invoices to persons who are 40065
required to pay the annual sludge fee. The invoice shall identify 40066
the nature and amount of the annual sludge fee assessed and state 40067
the first day of May as the deadline for receipt by the director 40068
of objections regarding the amount of the fee and the first day of 40069
July as the deadline for payment of the fee. 40070

Not later than the first day of May following receipt of an 40071
invoice, a person required to pay the annual sludge fee may submit 40072
objections to the director concerning the accuracy of information 40073
regarding the number of dry tons of sewage sludge used to 40074
calculate the amount of the annual sludge fee or regarding whether 40075
the sewage sludge qualifies for the exceptional quality sludge 40076
discount established in division (Y)(2)(b) of this section. The 40077
director may consider the objections and adjust the amount of the 40078
fee to ensure that it is accurate. 40079

If the director does not adjust the amount of the annual 40080
sludge fee in response to a person's objections, the person may 40081
appeal the director's determination in accordance with Chapter 40082

119. of the Revised Code. 40083

Not later than the first day of June, the director shall 40084
notify the objecting person regarding whether the director has 40085
found the objections to be valid and the reasons for the finding. 40086
If the director finds the objections to be valid and adjusts the 40087
amount of the annual sludge fee accordingly, the director shall 40088
issue with the notification a new invoice to the person 40089
identifying the amount of the annual sludge fee assessed and 40090
stating the first day of July as the deadline for payment. 40091

Not later than the first day of July, any person who is 40092
required to do so shall pay the annual sludge fee. Any person who 40093
is required to pay the fee, but who fails to do so on or before 40094
that date shall pay an additional amount that equals ten per cent 40095
of the required annual sludge fee. 40096

(6) The director shall transmit all moneys collected under 40097
division (Y) of this section to the treasurer of state for deposit 40098
into the surface water protection fund created in section 6111.038 40099
of the Revised Code. The moneys shall be used to defray the costs 40100
of administering and enforcing provisions in Chapter 6111. of the 40101
Revised Code and rules adopted under it that govern the use, 40102
storage, treatment, or disposal of sewage sludge. 40103

(7) Beginning in fiscal year 2001, and every two years 40104
thereafter, the director shall review the total amount of moneys 40105
generated by the annual sludge fees to determine if that amount 40106
exceeded six hundred thousand dollars in either of the two 40107
preceding fiscal years. If the total amount of moneys in the fund 40108
exceeded six hundred thousand dollars in either fiscal year, the 40109
director, after review of the fee structure and consultation with 40110
affected persons, shall issue an order reducing the amount of the 40111
fees levied under division (Y) of this section so that the 40112
estimated amount of moneys resulting from the fees will not exceed 40113
six hundred thousand dollars in any fiscal year. 40114

If, upon review of the fees under division (Y)(7) of this section and after the fees have been reduced, the director determines that the total amount of moneys collected and accumulated is less than six hundred thousand dollars, the director, after review of the fee structure and consultation with affected persons, may issue an order increasing the amount of the fees levied under division (Y) of this section so that the estimated amount of moneys resulting from the fees will be approximately six hundred thousand dollars. Fees shall never be increased to an amount exceeding the amount specified in division (Y)(7) of this section.

Notwithstanding section 119.06 of the Revised Code, the director may issue an order under division (Y)(7) of this section without the necessity to hold an adjudicatory hearing in connection with the order. The issuance of an order under this division is not an act or action for purposes of section 3745.04 of the Revised Code.

(8) As used in division (Y) of this section:

(a) "Sewage sludge facility" means an entity that performs treatment on or is responsible for the disposal of sewage sludge.

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that

meets all of the following qualifications:	40146
(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);	40147 40148
(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);	40149 40150
(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;	40151 40152
(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.	40153 40154
(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.	40155 40156 40157
(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.	40158 40159 40160
(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or fertilizing crops or vegetation grown in the soil.	40161 40162 40163 40164 40165
(g) "Land reclamation" means the returning of disturbed land to productive use.	40166 40167
(h) "Surface disposal" means the placement of sludge on an area of land for disposal, including, but not limited to, monofills, surface impoundments, lagoons, waste piles, or dedicated disposal sites.	40168 40169 40170 40171
(i) "Incinerator" means an entity that disposes of sewage sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device.	40172 40173 40174 40175

(j) "Incineration facility" includes all incinerators owned 40176
or operated by the same entity and located on a contiguous tract 40177
of land. Areas of land are considered to be contiguous even if 40178
they are separated by a public road or highway. 40179

(k) "Annual sludge fee" means the fee assessed under division 40180
(Y)(1) of this section. 40181

(l) "Landfill" means a sanitary landfill facility, as defined 40182
in rules adopted under section 3734.02 of the Revised Code, that 40183
is licensed under section 3734.05 of the Revised Code. 40184

(m) "Preexisting land reclamation project" means a 40185
property-specific land reclamation project that has been in 40186
continuous operation for not less than five years pursuant to 40187
approval of the activity by the director and includes the 40188
implementation of a community outreach program concerning the 40189
activity. 40190

Sec. 3746.01. As used in this chapter: 40191

(A) "Accredited laboratory" means a laboratory that is 40192
accredited as follows: 40193

(1) For analysis of asbestos, valid accreditation by one of 40194
the following: 40195

(a) The American industrial hygiene association, asbestos 40196
analysts registry; 40197

(b) The national institute of standards technology, national 40198
voluntary laboratory accreditation program for asbestos fiber 40199
analysis; 40200

(c) An accreditation body recognized by the national 40201
environmental laboratory accreditation conference. 40202

(2) For analysis of any constituent other than asbestos, 40203
valid accreditation by one of the following: 40204

<u>(a) The national environmental laboratory accreditation program;</u>	40205 40206
<u>(b) A national environmental laboratory accreditation program accreditation from an accreditation body recognized by the national environmental laboratory accreditation conference.</u>	40207 40208 40209
<u>(B)</u> "Activity and use limitations" has the same meaning as in section 5301.80 of the Revised Code.	40210 40211
(B) <u>(C)</u> "Affiliated" means under common ownership or control.	40212
(C) <u>(D)</u> "Applicable standards," unless the context indicates otherwise, means standards <u>that applied before the effective date of this amendment, standards</u> established in or pursuant to sections 3746.05, <u>and</u> 3746.06, and 3746.07 of the Revised Code, in or pursuant to rules adopted under division (B)(1) or (2) of section 3746.04 of the Revised Code, pursuant to rules adopted under division (B)(12) <u>(B)(11)(b)</u> of section 3746.04 of the Revised Code, or alternative standards and terms and conditions set forth in a variance issued under section 3746.09 of the Revised Code, as applicable.	40213 40214 40215 40216 40217 40218 40219 40220 40221 40222
(D) <u>(E)</u> "Background level" means the conditions at a property and areas surrounding a property that are unaffected by any current or past activities involving treatment, storage, or disposal of hazardous substances or petroleum. "Background level" includes naturally occurring substances.	40223 40224 40225 40226 40227
(E) <u>(F)</u> "Certified laboratory" means a laboratory <u>that was</u> certified by the director of environmental protection pursuant to rules adopted under division (B)(6) of section 3746.04 of the Revised Code, or deemed to be certified under division (E) of section 3746.07 of the Revised Code, to perform analyses in connection with voluntary actions <u>before the effective date of this amendment.</u>	40228 40229 40230 40231 40232 40233 40234
(F) <u>(G)</u> "Certified professional" means a person certified by	40235

the director pursuant to rules adopted under division (B)(5) of 40236
section 3746.04 of the Revised Code, or deemed to be certified 40237
~~under division (D) of section 3746.07 of the Revised Code~~ before 40238
the effective date of this amendment, to issue no further action 40239
letters under section 3746.11 of the Revised Code. 40240

~~(G)~~(H) "Covenant not to sue" means a release from liability 40241
that is issued by the director under section 3746.12 of the 40242
Revised Code. 40243

~~(H)~~(I) "Environmental covenant" has the same meaning as in 40244
section 5301.80 of the Revised Code. 40245

~~(I)~~(J) "Hazardous substance" includes all of the following: 40246

(1) Any substance identified or listed in rules adopted under 40247
division (B)(1)(c) of section 3750.02 of the Revised Code; 40248

(2) Any product registered as a pesticide under section 40249
921.02 of the Revised Code when the product is used in a manner 40250
inconsistent with its required labeling; 40251

(3) Any product formerly registered as a pesticide under that 40252
section for which the registration was suspended or canceled under 40253
section 921.05 of the Revised Code; 40254

(4) Any mixture of a substance described in divisions 40255
~~(I)~~~~(J)~~(J)(1) to (3) of this section with a radioactive material. 40256

~~(J)~~(K) "Owner or operator" includes both of the following: 40257

(1) Any person owning or holding a legal, equitable, or 40258
possessory interest in or having responsibility for the daily 40259
activities on a property; 40260

(2) In the case of property title or control of which was 40261
conveyed due to bankruptcy, foreclosure, tax delinquency, 40262
abandonment, or similar means to this state or a political 40263
subdivision of this state, any person who owned, operated, or 40264
otherwise controlled activities occurring on the property before 40265

the conveyance. 40266

~~(K)~~(L) "Person" means any person as defined in section 1.59 40267
of the Revised Code and also includes this state, any political 40268
subdivision of this state, any other body of this state or of a 40269
political subdivision of this state, the board of directors of a 40270
nonprofit corporation governing a special improvement district 40271
created under Chapter 1710. of the Revised Code, and the United 40272
States and any agency or instrumentality thereof. 40273

~~(L)~~(M) "Petroleum" means oil or petroleum of any kind and in 40274
any form, including, without limitation, crude oil or any fraction 40275
thereof, petroleum, gasoline, kerosene, fuel oil, oil sludge, oil 40276
refuse, used oil, substances or additives utilized in the refining 40277
or blending of crude petroleum or petroleum stock, natural gas, 40278
natural gas liquids, liquefied natural gas, synthetic gas usable 40279
for fuel, and mixtures of natural gas and synthetic gas. 40280

~~(M)~~(N) "Property," except for the purposes of sections 40281
3746.02, 3746.26, and 3746.27 of the Revised Code, means any 40282
parcel of real property, or portion thereof, and any improvements 40283
thereto, the limits of which have been described in writing by the 40284
owner of record or a legally appointed representative of the owner 40285
and that is or has been the subject of a voluntary action under 40286
this chapter and rules adopted under it. 40287

~~(N)~~(O) "Radioactive material" means a substance that 40288
spontaneously emits ionizing radiation. 40289

~~(O)~~(P) "Related" means the persons are related by 40290
consanguinity or marriage. 40291

~~(P)~~(Q) "Release" means any spilling, leaking, pumping, 40292
pouring, emitting, emptying, discharging, injecting, escaping, 40293
leaching, migrating, dumping, or disposing of any hazardous 40294
substance or petroleum into the environment, including, without 40295
limitation, the abandonment or discarding of barrels, containers, 40296

or any other closed receptacle containing any hazardous substance, 40297
petroleum, or pollutant or contaminant. "Release" does not include 40298
any of the following: 40299

(1) Any release that results solely in the exposure of 40300
individuals to hazardous substances or petroleum in the workplace 40301
with respect to which those individuals may assert a claim against 40302
their employer and that is regulated under the "Occupational 40303
Health and Safety Act of 1970," 84 Stat. 1590, 29 U.S.C.A. 651, as 40304
amended, and regulations adopted under that act, or under Chapter 40305
4167. of the Revised Code and rules adopted under it; 40306

(2) Emissions from the engine exhaust of a motor vehicle, 40307
rolling stock, aircraft, vessel, or pipeline pumping station 40308
engine; 40309

(3) Any release of a source, byproduct, or special nuclear 40310
material from a nuclear incident, as "source material," "byproduct 40311
material," "special nuclear material," and "nuclear incident" are 40312
defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 42 40313
U.S.C.A. 2011, as amended, if the release is subject to financial 40314
protection requirements under section 170 of that act unless any 40315
such material is mixed with a hazardous substance or petroleum; 40316

(4) Any federally permitted release as defined in section 40317
101(10) of the "Comprehensive Environmental Response, 40318
Compensation, and Liability Act of 1980," 94 Stat. 3300, 42 40319
U.S.C.A. 9601, as amended; 40320

(5) The normal application of a fertilizer material that is 40321
intended to improve the quality or quantity of plant growth. 40322

~~(Q)~~(R) "Remedy" or "remedial activities" means actions that 40323
are taken at a property to treat, remove, transport for treatment 40324
or disposal, dispose of, contain, or control hazardous substances 40325
or petroleum, are protective of public health and safety and the 40326
environment, and are consistent with a permanent remedy, 40327

including, without limitation, excavation, treatment, off-site disposal, the use of engineering or institutional controls or activity and use limitations, the issuance and implementation of a consolidated standards permit under section 3746.15 of the Revised Code, and the entering into and implementation of an operation and maintenance agreement pursuant to section 3746.12 of the Revised Code. 40328
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~~(R)~~(S) "Voluntary action" means a series of measures that may be undertaken to identify and address potential sources of contamination of property by hazardous substances or petroleum and to establish that the property complies with applicable standards. "Voluntary action" may include, without limitation, a phase I property assessment conducted in accordance with rules adopted under division (B)(3) of section 3746.04 of the Revised Code or ~~division (B) of~~ section 3746.07 of the Revised Code as it existed before the effective date of this amendment, as appropriate, a phase II property assessment conducted in accordance with rules adopted under division (B)(4) of section 3746.04 of the Revised Code or ~~division (C) of~~ section 3746.07 of the Revised Code as it existed before the effective date of this amendment, as appropriate, and a sampling plan, a remedial plan, or remedial activities followed by the issuance of a no further action letter under section 3746.11 of the Revised Code indicating that the property meets applicable standards upon demonstration by the person undertaking the measures either that there is no information indicating that there has been a release of hazardous substances or petroleum at or upon the property or that there has been a release of hazardous substances or petroleum at or upon the property and that applicable standards were not exceeded or have been or will be achieved in accordance with this chapter and rules adopted under it. 40335
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Sec. 3746.04. ~~Within one year after September 28, 1994, the~~ 40359

The director of environmental protection, in accordance with 40360
Chapter 119. of the Revised Code, shall adopt, and subsequently 40361
may amend, suspend, or rescind, rules that do both of the 40362
following: 40363

(A) Revise the rules adopted under Chapters 3704., 3714., 40364
3734., 6109., and 6111. of the Revised Code to incorporate the 40365
provisions necessary to conform those rules to the requirements of 40366
this chapter. The amended rules adopted under this division also 40367
shall establish response times for all submittals to the 40368
environmental protection agency required under this chapter or 40369
rules adopted under it. 40370

(B) Establish requirements and procedures that are reasonably 40371
necessary for the implementation and administration of this 40372
chapter, including, without limitation, all of the following: 40373

(1) Appropriate generic numerical clean-up standards for the 40374
treatment or removal of soils, sediments, and water media for 40375
hazardous substances and petroleum. The rules shall establish 40376
separate generic numerical clean-up standards based upon the 40377
intended use of properties after the completion of voluntary 40378
actions, including industrial, commercial, and residential uses 40379
and such other categories of land use as the director considers to 40380
be appropriate. The generic numerical clean-up standards 40381
established for each category of land use shall be the 40382
concentration of each contaminant that may be present on a 40383
property that shall ensure protection of public health and safety 40384
and the environment for the reasonable exposure for that category 40385
of land use. When developing the standards, the director shall 40386
consider such factors as all of the following: 40387

(a) Scientific information, including, without limitation, 40388
toxicological information and realistic assumptions regarding 40389
human and environmental exposure to hazardous substances or 40390
petroleum; 40391

(b) Climatic factors;	40392
(c) Human activity patterns;	40393
(d) Current statistical techniques;	40394
(e) For petroleum at industrial property, alternatives to the use of total petroleum hydrocarbons.	40395 40396
The generic numerical clean-up standards established in the rules adopted under division (B)(1) of this section shall be consistent with and equivalent in scope, content, and coverage to any applicable standard established by federal environmental laws and regulations adopted under them, including, without limitation, the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 U.S.C.A. 1251, as amended; the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended; the "Toxic Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended; the "Comprehensive Environmental Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 42 U.S.C.A. 9601, as amended; and the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 42 U.S.C.A. 300f, as amended.	40397 40398 40399 40400 40401 40402 40403 40404 40405 40406 40407 40408 40409 40410
In order for the rules adopted under division (B)(1) of this section to require that any such federal environmental standard apply to a property, the property shall meet the requirements of the particular federal statute or regulation involved in the manner specified by the statute or regulation.	40411 40412 40413 40414 40415
The generic numerical clean-up standards for petroleum at commercial or residential property shall be the standards established in rules adopted under division (B) of section 3737.882 of the Revised Code.	40416 40417 40418 40419
(2)(a) Procedures for performing property-specific risk assessments that would be performed at a property to demonstrate that the remedy evaluated in a risk assessment results in	40420 40421 40422

protection of public health and safety and the environment instead 40423
of complying with the generic numerical clean-up standards 40424
established in the rules adopted under division (B)(1) of this 40425
section. The risk assessment procedures shall describe a 40426
methodology to establish, on a property-specific basis, allowable 40427
levels of contamination to remain at a property to ensure 40428
protection of public health and safety and the environment on the 40429
property and off the property when the contamination is emanating 40430
off the property, taking into account all of the following: 40431

(i) The implementation of treatment, storage, or disposal, or 40432
a combination thereof, of hazardous substances or petroleum; 40433

(ii) The existence of institutional controls or activity and 40434
use limitations that eliminate or mitigate exposure to hazardous 40435
substances or petroleum through the restriction of access to 40436
hazardous substances or petroleum; 40437

(iii) The existence of engineering controls that eliminate or 40438
mitigate exposure to hazardous substances or petroleum through 40439
containment of, control of, or restrictions of access to hazardous 40440
substances or petroleum, including, without limitation, fences, 40441
cap systems, cover systems, and landscaping. 40442

(b) The risk assessment procedures and levels of acceptable 40443
risk set forth in the rules adopted under division (B)(2) of this 40444
section shall be based upon all of the following: 40445

(i) Scientific information, including, without limitation, 40446
toxicological information and actual or proposed human and 40447
environmental exposure; 40448

(ii) Locational and climatic factors; 40449

(iii) Surrounding land use and human activities; 40450

(iv) Differing levels of remediation that may be required 40451
when an existing land use is continued compared to when a 40452

different land use follows the remediation. 40453

(c) Any standards established pursuant to rules adopted under 40454
division (B)(2) of this section shall be no more stringent than 40455
standards established under the environmental statutes of this 40456
state and rules adopted under them for the same contaminant in the 40457
same environmental medium that are in effect at the time the risk 40458
assessment is conducted. 40459

(3) Minimum standards for phase I property assessments. The 40460
standards shall specify the information needed to demonstrate that 40461
there is no reason to believe that contamination exists on a 40462
property. The rules adopted under division (B)(3) of this section, 40463
at a minimum, shall require that a phase I property assessment 40464
include all of the following: 40465

(a) A review and analysis of deeds, mortgages, easements of 40466
record, and similar documents relating to the chain of title to 40467
the property that are publicly available or that are known to and 40468
reasonably available to the owner or operator; 40469

(b) A review and analysis of any previous environmental 40470
assessments, property assessments, environmental studies, or 40471
geologic studies of the property and any land within two thousand 40472
feet of the boundaries of the property that are publicly available 40473
or that are known to and reasonably available to the owner or 40474
operator; 40475

(c) A review of current and past environmental compliance 40476
histories of persons who owned or operated the property; 40477

(d) A review of aerial photographs of the property that 40478
indicate prior uses of the property; 40479

(e) Interviews with managers of activities conducted at the 40480
property who have knowledge of environmental conditions at the 40481
property; 40482

(f) Conducting an inspection of the property consisting of a walkover;

(g) Identifying the current and past uses of the property, adjoining tracts of land, and the area surrounding the property, including, without limitation, interviews with persons who reside or have resided, or who are or were employed, within the area surrounding the property regarding the current and past uses of the property and adjacent tracts of land.

The rules adopted under division (B)(3) of this section shall establish criteria to determine when a phase II property assessment shall be conducted when a phase I property assessment reveals facts that establish a reason to believe that hazardous substances or petroleum have been treated, stored, managed, or disposed of on the property if the person undertaking the phase I property assessment wishes to obtain a covenant not to sue under section 3746.12 of the Revised Code.

(4) Minimum standards for phase II property assessments. The standards shall specify the information needed to demonstrate that any contamination present at the property does not exceed applicable standards or that the remedial activities conducted at the property have achieved compliance with applicable standards. The rules adopted under division (B)(4) of this section, at a minimum, shall require that a phase II property assessment include all of the following:

(a) A review and analysis of all documentation prepared in connection with a phase I property assessment conducted within the one hundred eighty days before the phase II property assessment begins. The rules adopted under division (B)(4)(a) of this section shall require that if a period of more than one hundred eighty days has passed between the time that the phase I assessment of the property was completed and the phase II assessment begins, the phase II assessment shall include a reasonable inquiry into the

change in the environmental condition of the property during the 40515
intervening period. 40516

(b) Quality assurance objectives for measurements taken in 40517
connection with a phase II assessment; 40518

(c) Sampling procedures to ensure the representative sampling 40519
of potentially contaminated environmental media; 40520

(d) Quality assurance and quality control requirements for 40521
samples collected in connection with phase II assessments; 40522

(e) Analytical and data assessment procedures; 40523

(f) Data objectives to ensure that samples collected in 40524
connection with phase II assessments are biased toward areas where 40525
information indicates that contamination by hazardous substances 40526
or petroleum is likely to exist. 40527

(5) Standards governing the conduct of certified 40528
professionals, criteria and procedures for the certification of 40529
professionals to issue no further action letters under section 40530
3746.11 of the Revised Code, and criteria for the suspension and 40531
revocation of those certifications. The director shall take an 40532
action regarding a certification as a final action. The issuance, 40533
denial, renewal, suspension, and revocation of those 40534
certifications are subject to Chapter 3745. of the Revised Code, 40535
except that, in lieu of publishing an action regarding a 40536
certification in a newspaper of general circulation as required in 40537
section 3745.07 of the Revised Code, such an action shall be 40538
published on the environmental protection agency's web site and in 40539
the agency's weekly review not later than fifteen days after the 40540
date of the issuance, denial, renewal, suspension, or revocation 40541
of the certification and not later than thirty days before a 40542
hearing or public meeting concerning the action. 40543

The rules adopted under division (B)(5) of this section shall 40544
do all of the following: 40545

(a) Provide for the certification of environmental professionals to issue no further action letters pertaining to investigations and remedies in accordance with the criteria and procedures set forth in the rules. The rules adopted under division (B)(5)(a) of this section shall do at least all of the following:

(i) Authorize the director to consider such factors as an environmental professional's previous performance record regarding such investigations and remedies and the environmental professional's environmental compliance history when determining whether to certify the environmental professional;

(ii) Ensure that an application for certification is reviewed in a timely manner;

(iii) Require the director to certify any environmental professional who the director determines complies with those criteria;

(iv) Require the director to deny certification for any environmental professional who does not comply with those criteria.

(b) Establish an annual fee to be paid by environmental professionals certified pursuant to the rules adopted under division (B)(5)(a) of this section. The fee shall be established at an amount calculated to defray the costs to the agency for the required reviews of the qualifications of environmental professionals for certification and for the issuance of the certifications.

(c) Develop a schedule for and establish requirements governing the review by the director of the credentials of environmental professionals who were deemed to be certified professionals ~~under division (D) of section 3746.07 of the Revised Code~~ before the effective date of this amendment in order to

determine if they comply with the criteria established in rules 40577
adopted under division (B)(5) of this section. The rules adopted 40578
under division (B)(5)(c) of this section shall do at least all of 40579
the following: 40580

(i) Ensure that the review is conducted in a timely fashion; 40581

(ii) Require the director to certify any such environmental 40582
professional who the director determines complies with those 40583
criteria; 40584

(iii) Require any such environmental professional initially 40585
to pay the fee established in the rules adopted under division 40586
(B)(5)(b) of this section at the time that the environmental 40587
professional is so certified by the director; 40588

(iv) Establish a time period within which any such 40589
environmental professional who does not comply with those criteria 40590
may obtain the credentials that are necessary for certification; 40591

(v) Require the director to deny certification for any such 40592
environmental professional who does not comply with those criteria 40593
and who fails to obtain the necessary credentials within the 40594
established time period. 40595

(d) Require that any information submitted to the director 40596
for the purposes of the rules adopted under division (B)(5)(a) or 40597
(c) of this section comply with division (A) of section 3746.20 of 40598
the Revised Code; 40599

(e) Authorize the director to suspend or revoke the 40600
certification of an environmental professional if the director 40601
finds that the environmental professional's performance has 40602
resulted in the issuance of no further action letters under 40603
section 3746.11 of the Revised Code that are not consistent with 40604
applicable standards or finds that the certified environmental 40605
professional has not substantially complied with section 3746.31 40606
of the Revised Code; 40607

(f) Authorize the director to suspend for a period of not more than five years or to permanently revoke a certified environmental professional's certification for any violation of or failure to comply with an ethical standard established in rules adopted under division (B)(5) of this section;

(g) Require the director to revoke the certification of an environmental professional if the director finds that the environmental professional falsified any information on the environmental professional's application for certification regarding the environmental professional's credentials or qualifications or any other information generated for the purposes of or use under this chapter or rules adopted under it;

(h) Require the director permanently to revoke the certification of an environmental professional who has violated or is violating division (A) of section 3746.18 of the Revised Code;

(i) Preclude the director from revoking the certification of an environmental professional who only conducts investigations and remedies at property contaminated solely with petroleum unless the director first consults with the director of commerce.

~~(6) Criteria and procedures for the certification of laboratories to perform analyses under this chapter and rules adopted under it. The issuance, denial, suspension, and revocation of those certifications are subject to Chapter 3745. of the Revised Code, and the director of environmental protection shall take any such action regarding a certification as a final action.~~

~~The rules adopted under division (B)(6) of this section shall do all of the following:~~

~~(a) Provide for the certification to perform analyses of laboratories in accordance with the criteria and procedures established in the rules adopted under division (B)(6)(a) of this section and establish an annual fee to be paid by those~~

~~laboratories. The fee shall be established at an amount calculated 40639
to defray the costs to the agency for the review of the 40640
qualifications of those laboratories for certification and for the 40641
issuance of the certifications. The rules adopted under division 40642
(B)(6)(a) of this section may provide for the certification of 40643
those laboratories to perform only particular types or categories 40644
of analyses, specific test parameters or group of test parameters, 40645
or a specific matrix or matrices under this chapter. 40646~~

~~(b) Develop a schedule for and establish requirements 40647
governing the review by the director of the operations of 40648
laboratories that were deemed to be certified laboratories under 40649
division (E) of section 3746.07 of the Revised Code in order to 40650
determine if they comply with the criteria established in rules 40651
adopted under division (B)(6) of this section. The rules adopted 40652
under division (B)(6)(b) of this section shall do at least all of 40653
the following: 40654~~

~~(i) Ensure that the review is conducted in a timely fashion; 40655~~

~~(ii) Require the director to certify any such laboratory that 40656
the director determines complies with those criteria; 40657~~

~~(iii) Require any such laboratory initially to pay the fee 40658
established in the rules adopted under division (B)(6)(a) of this 40659
section at the time that the laboratory is so certified by the 40660
director; 40661~~

~~(iv) Establish a time period within which any such laboratory 40662
that does not comply with those criteria may make changes in its 40663
operations necessary for the performance of analyses under this 40664
chapter and rules adopted under it in order to be certified by the 40665
director; 40666~~

~~(v) Require the director to deny certification for any such 40667
laboratory that does not comply with those criteria and that fails 40668
to make the necessary changes in its operations within the 40669~~

~~established time period.~~ 40670

~~(c) Require that any information submitted to the director 40671
for the purposes of the rules adopted under division (B)(6)(a) or 40672
(b) of this section comply with division (A) of section 3746.20 of 40673
the Revised Code; 40674~~

~~(d) Authorize the director to suspend or revoke the 40675
certification of a laboratory if the director finds that the 40676
laboratory's performance has resulted in the issuance of no 40677
further action letters under section 3746.11 of the Revised Code 40678
that are not consistent with applicable standards; 40679~~

~~(e) Authorize the director to suspend or revoke the 40680
certification of a laboratory if the director finds that the 40681
laboratory falsified any information on its application for 40682
certification regarding its credentials or qualifications; 40683~~

~~(f) Require the director permanently to revoke the 40684
certification of a laboratory that has violated or is violating 40685
division (A) of section 3746.18 of the Revised Code. 40686~~

~~(7) Information to be included in a no further action letter 40687
prepared under section 3746.11 of the Revised Code, including, 40688
without limitation, all of the following: 40689~~

~~(a) A summary of the information required to be submitted to 40690
the certified environmental professional preparing the no further 40691
action letter under division (C) of section 3746.10 of the Revised 40692
Code; 40693~~

~~(b) Notification that a risk assessment was performed in 40694
accordance with rules adopted under division (B)(2) of this 40695
section if such an assessment was used in lieu of generic 40696
numerical clean-up standards established in rules adopted under 40697
division (B)(1) of this section; 40698~~

~~(c) The contaminants addressed at the property, if any, their 40699~~

source, if known, and their levels prior to remediation; 40700

(d) The identity of any other person who performed work to 40701
support the request for the no further action letter as provided 40702
in division (B)(2) of section 3746.10 of the Revised Code and the 40703
nature and scope of the work performed by that person; 40704

(e) A list of the data, information, records, and documents 40705
relied upon by the certified environmental professional in 40706
preparing the no further action letter. 40707

~~(8)~~(7) Methods for determining fees to be paid for the 40708
following services provided by the agency under this chapter and 40709
rules adopted under it: 40710

(a) Site- or property-specific technical assistance in 40711
developing or implementing plans in connection with a voluntary 40712
action; 40713

(b) Reviewing applications for and issuing consolidated 40714
standards permits under section 3746.15 of the Revised Code and 40715
monitoring compliance with those permits; 40716

(c) Negotiating, preparing, and entering into agreements 40717
necessary for the implementation and administration of this 40718
chapter and rules adopted under it; 40719

(d) Reviewing no further action letters, issuing covenants 40720
not to sue, and monitoring compliance with any terms and 40721
conditions of those covenants and with operation and maintenance 40722
agreements entered into pursuant to those covenants, including, 40723
without limitation, conducting audits of properties where 40724
voluntary actions are being or were conducted under this chapter 40725
and rules adopted under it. 40726

The fees established pursuant to the rules adopted under 40727
division ~~(B)(8)~~(B)(7) of this section shall be at a level 40728
sufficient to defray the direct and indirect costs incurred by the 40729

agency for the administration and enforcement of this chapter and 40730
rules adopted under it other than the provisions regarding the 40731
certification of professionals and laboratories. 40732

~~(9)~~(8) Criteria for selecting the no further action letters 40733
issued under section 3746.11 of the Revised Code that will be 40734
audited under section 3746.17 of the Revised Code, and the scope 40735
and procedures for conducting those audits. The rules adopted 40736
under division ~~(B)(9)~~(B)(8) of this section, at a minimum, shall 40737
require the director to establish priorities for auditing no 40738
further action letters to which any of the following applies: 40739

(a) The letter was prepared by an environmental professional 40740
who was deemed to be a certified professional ~~under division (D)~~ 40741
~~of section 3746.07 of the Revised Code before the effective date~~ 40742
of this amendment, but who does not comply with the criteria 40743
established in rules adopted under division (B)(5) of this section 40744
as determined pursuant to rules adopted under division (B)(5)(d) 40745
of this section; 40746

(b) The letter was submitted fraudulently; 40747

(c) The letter was prepared by a certified environmental 40748
professional whose certification subsequently was revoked in 40749
accordance with rules adopted under division (B)(5) of this 40750
section, or analyses were performed for the purposes of the no 40751
further action letter by a certified laboratory whose 40752
certification ~~subsequently was revoked in accordance with rules~~ 40753
~~adopted under division (B)(6) of this section before the effective~~ 40754
date of this amendment or a laboratory that is not an accredited 40755
laboratory; 40756

(d) A covenant not to sue that was issued pursuant to the 40757
letter was revoked under this chapter; 40758

(e) The letter was for a voluntary action that was conducted 40759
pursuant to a risk assessment in accordance with rules adopted 40760

under division (B)(2) of this section; 40761

(f) The letter was for a voluntary action that included as 40762
remedial activities engineering controls or institutional controls 40763
or activity and use limitations authorized under section 3746.05 40764
of the Revised Code. 40765

The rules adopted under division ~~(B)(9)~~(B)(8) of this section 40766
shall provide for random audits of no further action letters to 40767
which the rules adopted under divisions ~~(B)(9)(a)~~(B)(8)(a) to (f) 40768
of this section do not apply. 40769

~~(10)(9)~~ A classification system to characterize ground water 40770
according to its capability to be used for human use and its 40771
impact on the environment and a methodology that shall be used to 40772
determine when ground water that has become contaminated from 40773
sources on a property for which a covenant not to sue is requested 40774
under section 3746.11 of the Revised Code shall be remediated to 40775
the standards established in the rules adopted under division 40776
(B)(1) or (2) of this section. 40777

(a) In adopting rules under division ~~(B)(10)~~(B)(9) of this 40778
section to characterize ground water according to its capability 40779
for human use, the director shall consider all of the following: 40780

(i) The presence of legally enforceable, reliable 40781
restrictions on the use of ground water, including, without 40782
limitation, local rules or ordinances; 40783

(ii) The presence of regional commingled contamination from 40784
multiple sources that diminishes the quality of ground water; 40785

(iii) The natural quality of ground water; 40786

(iv) Regional availability of ground water and reasonable 40787
alternative sources of drinking water; 40788

(v) The productivity of the aquifer; 40789

(vi) The presence of restrictions on the use of ground water 40790

implemented under this chapter and rules adopted under it; 40791

(vii) The existing use of ground water. 40792

(b) In adopting rules under division ~~(B)(10)~~(B)(9) of this 40793
section to characterize ground water according to its impacts on 40794
the environment, the director shall consider both of the 40795
following: 40796

(i) The risks posed to humans, fauna, surface water, 40797
sediments, soil, air, and other resources by the continuing 40798
presence of contaminated ground water; 40799

(ii) The availability and feasibility of technology to remedy 40800
ground water contamination. 40801

~~(11)~~(10) Governing the application for and issuance of 40802
variances under section 3746.09 of the Revised Code; 40803

~~(12)(a)~~(11)(a) In the case of voluntary actions involving 40804
contaminated ground water, specifying the circumstances under 40805
which the generic numerical clean-up standards established in 40806
rules adopted under division (B)(1) of this section and standards 40807
established through a risk assessment conducted pursuant to rules 40808
adopted under division (B)(2) of this section shall be 40809
inapplicable to the remediation of contaminated ground water and 40810
under which the standards for remediating contaminated ground 40811
water shall be established on a case-by-case basis prior to the 40812
commencement of the voluntary action pursuant to rules adopted 40813
under division ~~(B)(12)(b)~~(B)(11)(b) of this section; 40814

(b) Criteria and procedures for the case-by-case 40815
establishment of standards for the remediation of contaminated 40816
ground water under circumstances in which the use of the generic 40817
numerical clean-up standards and standards established through a 40818
risk assessment are precluded by the rules adopted under division 40819
~~(B)(12)(a)~~(B)(11)(a) of this section. The rules governing the 40820
procedures for the case-by-case development of standards for the 40821

remediation of contaminated ground water shall establish 40822
application, public participation, adjudication, and appeals 40823
requirements and procedures that are equivalent to the 40824
requirements and procedures established in section 3746.09 of the 40825
Revised Code and rules adopted under division ~~(B)(11)~~(B)(10) of 40826
this section, except that the procedural rules shall not require 40827
an applicant to make the demonstrations set forth in divisions 40828
(A)(1) to (3) of section 3746.09 of the Revised Code. 40829

~~(13)~~(12) A definition of the evidence that constitutes 40830
sufficient evidence for the purpose of division (A)(5) of section 40831
3746.02 of the Revised Code. 40832

At least thirty days before filing the proposed rules 40833
required to be adopted under this section with the secretary of 40834
state, director of the legislative service commission, and joint 40835
committee on agency rule review in accordance with divisions (B) 40836
and (C) of section 119.03 of the Revised Code, the director of 40837
environmental protection shall hold at least one public meeting on 40838
the proposed rules in each of the five districts into which the 40839
agency has divided the state for administrative purposes. 40840

Sec. ~~3746.071~~ 3746.07. (A) ~~As used in this section,~~ 40841
~~"certified professional" means a certified professional deemed to~~ 40842
~~be certified under division (D) of section 3746.07 of the Revised~~ 40843
~~Code.~~ 40844

~~(B)~~ A certified professional shall do all of the following: 40845

(1) Protect the safety, health, and welfare of the public in 40846
the performance of professional duties. If a circumstance arises 40847
where the certified professional faces a situation where the 40848
safety, health, or welfare of the public would not be protected, 40849
the certified professional shall do all of the following: 40850

(a) Sever the relationship with the certified professional's 40851

employer or client; 40852

(b) Refuse to accept responsibility for the design, report, 40853
or statement involved; 40854

(c) Notify the director of environmental protection if, in 40855
the opinion of the certified professional, the situation is 40856
sufficiently important. 40857

(2) Undertake to perform assignments only when the certified 40858
professional or the certified professional's consulting support is 40859
qualified by training and experience in the specific technical 40860
fields involved; 40861

(3) Be completely objective in any professional report, 40862
statement, or testimony. The certified professional shall include 40863
all relevant and pertinent information in the report, statement, 40864
or testimony when the result of an omission would or reasonably 40865
could lead to a fallacious conclusion. 40866

(4) Express an opinion as a technical or expert witness 40867
before any court, commission, or other tribunal only when it is 40868
founded upon adequate knowledge of the facts in issue, upon a 40869
background of technical competence in the subject matter, and upon 40870
honest conviction of the accuracy and propriety of the testimony. 40871

~~(C)~~(B) A certified professional shall not issue statements, 40872
criticisms, or arguments on matters connected with public policy 40873
that are inspired or paid for by an interested party, unless the 40874
certified professional has prefaced the remarks by explicitly 40875
identifying the certified professional, by disclosing the identity 40876
of the parties on whose behalf the certified professional is 40877
speaking, and by revealing the existence of any pecuniary interest 40878
the certified professional may have in the instant matters. 40879

~~(D)~~(1)~~(C)~~(1) A certified professional shall conscientiously 40880
avoid any conflict of interest with the certified professional's 40881
employer or client. 40882

(2) A certified professional promptly shall inform the 40883
certified professional's employer or client of any business 40884
association, interests, or circumstances that could influence the 40885
certified professional's judgment or the quality of the certified 40886
professional's service to the employer or client. 40887

(3) A certified professional shall not accept compensation, 40888
financial or otherwise, from more than one party for services on 40889
or pertaining to the same project, unless the circumstances are 40890
fully disclosed to, and agreed to, by all interested parties or 40891
their duly authorized agents. 40892

(4) A certified professional shall not solicit or accept 40893
financial or other valuable considerations from material or 40894
equipment suppliers for specifying their products. 40895

(5) A certified professional shall not solicit or accept 40896
gratuities, directly or indirectly, from contractors, their 40897
agents, or other parties dealing directly with the certified 40898
professional's employer or client in connection with the work for 40899
which the certified professional is responsible. 40900

~~(E)(1)~~(D)(1) A certified professional shall not pay, solicit, 40901
or offer, directly or indirectly, any bribe or commission for 40902
professional employment with the exception of payment of the usual 40903
commission for securing salaried positions through licensed 40904
employment agencies. 40905

(2) A certified professional shall seek professional 40906
employment on the basis of qualification and competence for proper 40907
accomplishment of the work. A certified professional may submit 40908
proposed fee information prior to selection to serve as a 40909
certified professional under this chapter and rules adopted under 40910
it. 40911

(3) A certified professional shall not falsify or permit 40912
misrepresentation of the certified professional's or the certified 40913

professional's associates' academic or professional 40914
qualifications. The certified professional shall not misrepresent 40915
or exaggerate the certified professional's degree of 40916
responsibility in or for the subject matter of prior assignments. 40917

(4) Brochures or other presentations incident to the 40918
solicitation of employment by a certified professional shall not 40919
misrepresent pertinent facts concerning the certified 40920
professional's employers, employees, associates, or joint 40921
ventures, or the past accomplishments of any of them, with the 40922
intent and purpose of enhancing the certified professional's 40923
qualifications for the certified professional's work. 40924

~~(F)~~(1)~~(E)~~(1) A certified professional shall not sign or seal 40925
professional work for which the certified professional does not 40926
have personal professional knowledge and direct supervisory 40927
control and responsibility. 40928

(2) A certified professional shall not knowingly associate 40929
with, or permit the use of the certified professional's own name 40930
or the name of the certified professional's firm in, a business 40931
venture by any person or firm that the certified professional 40932
knows, or has reason to believe, is engaging in business or 40933
professional practices of a fraudulent or dishonest nature. 40934

(3) If a certified professional has knowledge or reason to 40935
believe that another person or firm has violated any of the 40936
provisions of this chapter or any requirement of this section, the 40937
certified professional shall present the information to the 40938
director in writing. 40939

~~(G)~~(F) The director, in accordance with rules adopted under 40940
section 3746.04 of the Revised Code, may suspend for a period of 40941
not more than five years or permanently revoke a certified 40942
professional's certification for a violation of or failure to 40943
comply with any requirement or obligation set forth in this 40944

section. 40945

(G) Notwithstanding any other provision of this chapter to 40946
the contrary, a certified professional may use data analyzed by a 40947
certified laboratory prior to the effective date of this amendment 40948
in completion of a no further action letter. 40949

Sec. 3746.09. (A) A person who proposes to enter into or who 40950
is participating in the voluntary action program under this 40951
chapter and rules adopted under it, in accordance with this 40952
section and rules adopted under division ~~(B)(11)~~(B)(10) of section 40953
3746.04 of the Revised Code, may apply to the director of 40954
environmental protection for a variance from applicable standards 40955
otherwise established in this chapter and rules adopted under it. 40956
The application for a variance shall be prepared by a certified 40957
professional. The director shall issue a variance from those 40958
applicable standards only if the application makes all of the 40959
following demonstrations to the director's satisfaction: 40960

(1) Either or both of the following: 40961

(a) It is technically infeasible to comply with the 40962
applicable standards otherwise established at the property named 40963
in the application; 40964

(b) The costs of complying with the applicable standards 40965
otherwise established at the property substantially exceed the 40966
economic benefits. 40967

(2) The proposed alternative standard or set of standards and 40968
terms and conditions set forth in the application will result in 40969
an improvement of environmental conditions at the property and 40970
ensure that public health and safety will be protected. 40971

(3) The establishment of and compliance with the alternative 40972
standard or set of standards and terms and conditions are 40973
necessary to promote, protect, preserve, or enhance employment 40974

opportunities or the reuse of the property named in the 40975
application. 40976

A variance issued under this section shall state the specific 40977
standard or standards whose terms are being varied and shall set 40978
forth the specific alternative standard or set of standards and 40979
the terms and conditions imposed on the applicant in their place. 40980
A variance issued under this section shall include only standards 40981
and terms and conditions proposed by the applicant in the 40982
application, except that the director may impose any additional or 40983
alternative terms and conditions that the director determines to 40984
be necessary to ensure that public health and safety will be 40985
protected. If the director finds that compliance with any standard 40986
or term or condition proposed by the applicant will not protect 40987
public health and safety and that the imposition of additional or 40988
alternative terms and conditions will not ensure that public 40989
health or safety will be protected, the director shall disapprove 40990
the application and shall include in the order of denial the 40991
specific findings on which the denial was based. 40992

(B) Variances shall be issued or denied in accordance with 40993
this section, rules adopted under division ~~(B)(11)~~(B)(10) of 40994
section 3746.04 of the Revised Code, and Chapter 3745. of the 40995
Revised Code. Upon determining that an application for a variance 40996
is complete, the director shall schedule a public meeting on the 40997
application to be held within ninety days after the director 40998
determines that the application is complete in the county in which 40999
is located the property to which the application pertains. 41000

(C) Not less than thirty days before the date scheduled for 41001
the public meeting on an application for a variance, the director 41002
shall publish notice of the public meeting and that the director 41003
will receive written comments on the application for a period of 41004
forty-five days commencing on the date of the publication of the 41005
notice. The notice shall contain all of the following information, 41006

at a minimum: 41007

(1) The address of the property to which the application 41008
pertains; 41009

(2) A brief summary of the alternative standards and terms 41010
and conditions proposed by the applicant; 41011

(3) The date, time, and location of the public meeting. 41012

The notice shall be published in a newspaper of general 41013
circulation in the county in which the property is located and, if 41014
the property is located in close proximity to the boundary of the 41015
county with an adjacent county, as determined by the director, 41016
shall be published in a newspaper of general circulation in the 41017
adjacent county. Concurrently with the publication of the notice 41018
of the public meeting, the director shall mail notice of the 41019
application, comment period, and public meeting to the owner of 41020
each parcel of land that is adjacent to the affected property and 41021
to the legislative authority of the municipal corporation or 41022
township, and county, in which the affected property is located. 41023
The notices mailed to the adjacent land owners and legislative 41024
authorities shall contain the same information as the published 41025
notice. 41026

(D) At the public meeting on an application for a variance, 41027
the applicant, or a representative of the applicant who is 41028
knowledgeable about the affected property and the application, 41029
shall present information regarding the application and the basis 41030
of the request for the variance and shall respond to questions 41031
from the public regarding the affected property and the 41032
application. A representative of the environmental protection 41033
agency who is familiar with the affected property and the 41034
application shall attend the public meeting to hear the public's 41035
comments and to respond to questions from the public regarding the 41036
affected property and the application. A stenographic record of 41037

the proceedings at the public meeting shall be kept and shall be 41038
made a part of the administrative record regarding the 41039
application. 41040

(E) Within ninety days after conducting the public meeting on 41041
an application for a variance under division (D) of this section, 41042
the director shall issue a proposed action to the applicant in 41043
accordance with section 3745.07 of the Revised Code that indicates 41044
the director's intent with regard to the issuance or denial of the 41045
application. When considering whether to issue or deny the 41046
application or whether to impose terms and conditions of the 41047
variance that are in addition or alternative to those proposed by 41048
the applicant, the director shall consider comments on the 41049
application made by the public at the public meeting and written 41050
comments on the application received from the public. 41051

Sec. 3746.10. (A) Except as otherwise provided in section 41052
3746.02 of the Revised Code, any person may undertake a voluntary 41053
action under this chapter and rules adopted under it to identify 41054
and address potential sources of contamination by hazardous 41055
substances or petroleum of soil, sediments, surface water, or 41056
ground water on or underlying property and to establish that the 41057
property meets applicable standards. The voluntary action may 41058
include any one or more of the following elements: 41059

(1) A phase I property assessment conducted in accordance 41060
with rules adopted under division (B)(3) of section 3746.04 of the 41061
Revised Code ~~or division (B) of section 3746.07 of the Revised~~ 41062
~~Code, as appropriate;~~ 41063

(2) A phase II property assessment conducted in accordance 41064
with rules adopted under division (B)(4) of section 3746.04 of the 41065
Revised Code ~~or division (C) of section 3746.07 of the Revised~~ 41066
~~Code, as appropriate;~~ 41067

(3) A sampling plan; 41068

(4) A remediation plan;	41069
(5) Remedial activities;	41070
(6) Such other activities as the person undertaking the voluntary action considers to be necessary or appropriate to address the contamination.	41071 41072 41073
When the person undertaking a voluntary action determines that the property meets applicable standards, the person may seek a no further action letter from a certified professional. A no further action letter may be issued for the property at any stage of the identification of potential hazardous substance or petroleum contamination or remedial activities after a phase I or II property assessment has demonstrated that there is no reason to believe that there has been a release of hazardous substances or petroleum at or upon the property, that information indicates that there has been a release of hazardous substances or petroleum at or upon the property, but that the release is not in excess of applicable standards, or that if there has been such a release in excess of applicable standards, those standards have been achieved through remedial activities or will be achieved in accordance with the timeframes established in an operation and maintenance agreement entered into under division (A)(3) of section 3746.12 of the Revised Code or in such an agreement and a consolidated standards permit issued under section 3746.15 of the Revised Code.	41074 41075 41076 41077 41078 41079 41080 41081 41082 41083 41084 41085 41086 41087 41088 41089 41090 41091
(B)(1) A person who is participating in the voluntary action program under this chapter and rules adopted under it shall do both of the following:	41092 41093 41094
(a) Utilize the services of a certified <u>an accredited</u> laboratory to perform any analyses that form the basis for the issuance of a no further action letter for a property and ensure that a laboratory performs in connection with a voluntary action only those analyses for which it is certified under rules adopted	41095 41096 41097 41098 41099

~~under division (B)(6) of section 3746.04 of the Revised Code or~~ 41100
~~for which it is qualified prior to the adoption of those rules~~ 41101
accredited; 41102

(b) Utilize the services of a certified professional to 41103
verify that the property and any remedial activities undertaken at 41104
the property in connection with a voluntary action comply with 41105
applicable standards and, if those standards are met, to issue to 41106
the person a no further action letter for the property. For the 41107
purposes of such a verification, the certified professional shall 41108
perform and review all work that was conducted to support the 41109
request for the no further action letter or shall ensure that the 41110
work has been performed and reviewed by other persons with 41111
expertise and competence in areas other than those of the 41112
certified professional's expertise and competence as necessary for 41113
the issuance of the no further action letter. 41114

(2) No person who is participating in the voluntary action 41115
program shall do any of the following: 41116

(a) If the person also is a certified professional, prepare a 41117
no further action letter in connection with a voluntary action 41118
conducted at a property that the certified professional owns or 41119
operates; 41120

(b) Utilize the services of a certified professional who is 41121
employed by, affiliated with, or related to the participant or who 41122
was employed by or affiliated with the participant during the year 41123
preceding the date that the participant entered into the contract 41124
to utilize the services of the certified professional in 41125
connection with the voluntary action; 41126

(c) Utilize the services of ~~a certified~~ an accredited 41127
laboratory that is owned by or affiliated with the participant, 41128
that is owned by a person related to the participant, or that was 41129
owned by or affiliated with the participant during the year 41130

preceding the date that the participant entered into the contract 41131
to utilize the services of the ~~certified~~ accredited laboratory in 41132
connection with the voluntary action, to perform any analyses that 41133
form the basis for the issuance of a no further action letter in 41134
connection with a voluntary action. 41135

A covenant not to sue issued under section 3746.12 of the 41136
Revised Code to a person who violated division (B)(2)(a), (b), or 41137
(c) of this section with respect to the no further action letter 41138
upon which issuance of the covenant was based is void. 41139

Except as otherwise provided in division (B)(2) of this 41140
section, a person who is participating in the voluntary action 41141
program may utilize an independent contractor to serve as a 41142
certified professional or ~~certified~~ accredited laboratory. 41143

(C) In order to obtain a no further action letter, a person 41144
undertaking a voluntary action shall submit to a certified 41145
professional all of the following, as applicable: 41146

(1) Information demonstrating that there is no contamination 41147
by hazardous substances or petroleum of soil, sediments, surface 41148
water, or ground water on or underlying the property in 41149
concentrations exceeding applicable standards. The demonstrations 41150
shall be based upon the findings of a phase I or phase II property 41151
assessment. 41152

(2) If remedial activities were conducted in connection with 41153
the voluntary action, data demonstrating that the remedy meets 41154
applicable standards or will achieve applicable standards in 41155
accordance with the timeframes established in an operation and 41156
maintenance agreement entered into under division (A)(3) of 41157
section 3746.12 of the Revised Code or in such an agreement and a 41158
consolidated standards permit issued under section 3746.15 of the 41159
Revised Code; 41160

(3)(a) If the remedy relies on institutional controls or 41161

restrictions on the use of the property to achieve applicable 41162
standards, a demonstration that the institutional controls or the 41163
use restrictions have been recorded in the office of the county 41164
recorder of the county in which the property is located, or have 41165
been entered in the appropriate register for registered land as 41166
defined in section 5309.01 of the Revised Code, in compliance with 41167
section 3746.14 of the Revised Code; 41168

(b) If the person undertaking a voluntary action seeks to 41169
obtain a covenant not to sue and if the remedy relies on activity 41170
and use limitations to achieve applicable standards, a 41171
demonstration that the activity and use limitations have been 41172
developed in accordance with this chapter and rules adopted under 41173
it and are contained in a proposed environmental covenant that 41174
meets the requirements established in section 5301.82 of the 41175
Revised Code. 41176

(4) If the remedy relies on engineering controls that contain 41177
or control the release of hazardous substances or petroleum at or 41178
from the property, a plan for the proper operation and maintenance 41179
of the engineering controls. 41180

(D) Except as otherwise specifically provided in this chapter 41181
and rules adopted under it, voluntary actions under this chapter 41182
and rules adopted under it shall be undertaken in compliance with 41183
all applicable laws of this state and rules adopted under them and 41184
with applicable ordinances, resolutions, and rules of political 41185
subdivisions of this state. 41186

Sec. 3746.11. (A) After receiving the demonstrations and 41187
operation and maintenance plan, if any, required to be submitted 41188
to a certified professional under division (C) of section 3746.10 41189
of the Revised Code, the certified professional shall review them 41190
to verify whether the property where the voluntary action was 41191
undertaken complies with applicable standards or shall ensure that 41192

they have been reviewed by another person or persons who performed 41193
work to support the request for the no further action letter as 41194
provided in division (B)(2) of section 3746.10 of the Revised 41195
Code. If, on the basis of the best knowledge, information, and 41196
belief of the certified professional, the certified professional 41197
concludes that the property meets applicable standards, the 41198
certified professional shall prepare a no further action letter 41199
for the property. The no further action letter shall contain all 41200
the information specified in rules adopted under division 41201
~~(B)(7)~~(B)(6) of section 3746.04 of the Revised Code ~~or in division~~ 41202
~~(E) of section 3746.07 of the Revised Code, as applicable.~~ 41203

Upon completion of a no further action letter, the certified 41204
professional shall send a copy of the letter to the person who 41205
undertook the voluntary action. The letter shall be accompanied by 41206
a written request that the person notify the certified 41207
professional as to whether the person wishes to submit the no 41208
further action letter to the director of environmental protection 41209
and by a written notice informing the person that the original 41210
letter may be submitted to the director only by a certified 41211
professional and that the person may receive a covenant not to sue 41212
from the director in connection with the voluntary action only if 41213
the no further action letter for the voluntary action is submitted 41214
to the director on the person's behalf by the certified 41215
professional. 41216

Promptly after receipt of the letter and request, the person 41217
who undertook the voluntary action shall send written notice to 41218
the certified professional informing the certified professional as 41219
to whether the person wishes to submit the letter to the director 41220
and shall send a copy of the notice to the director. If the 41221
person's notice indicates that the person wishes to have the no 41222
further action letter submitted to the director, promptly after 41223
receipt of the notice, the certified professional shall submit the 41224

original no further action letter, together with a proposed 41225
environmental covenant, if applicable, and a proposed operation 41226
and maintenance agreement, if applicable, to the director by 41227
certified mail on behalf of the person who undertook the voluntary 41228
action. If the person who undertook the voluntary action notifies 41229
the certified professional that the person does not wish to submit 41230
the no further action letter to the director, the certified 41231
professional shall send the original letter to the person promptly 41232
after receiving the notice. 41233

(B) If after reviewing the demonstrations required to be 41234
submitted to the certified professional under division (C) of 41235
section 3746.10 of the Revised Code, the certified professional 41236
finds that the property where the voluntary action was undertaken 41237
does not comply with applicable standards, the certified 41238
professional shall send to the person who undertook the voluntary 41239
action written notice of that fact and of the certified 41240
professional's inability to issue a no further action letter for 41241
the property. 41242

(C) A certified professional shall prepare a summary report 41243
detailing the certified professional's findings and conclusions 41244
about the environmental conditions at the property concerning 41245
which the professional was requested to prepare a no further 41246
action letter and the remedial activities undertaken to mitigate 41247
or abate any threat to public health and safety and the 41248
environment, including, without limitation, all of the following: 41249

(1) A description of the nature and extent of contamination 41250
emanating from sources on the property; 41251

(2) A risk assessment performed in accordance with rules 41252
adopted under division (B)(2) of section 3746.04 of the Revised 41253
Code if such an assessment was used in lieu of generic numerical 41254
clean-up standards established in rules adopted under division 41255
(B)(1) of that section; 41256

(3) A description of any remedy conducted at the property and 41257
how the remedy complies with applicable standards; 41258

(4) A description of any plan for the proper operation and 41259
maintenance of engineering controls identified under division 41260
(C)(4) of section 3746.10 of the Revised Code; 41261

(5) Any documents prepared by any other person who performed 41262
work to support the request for the no further action letter as 41263
provided in division (B)(2) of section 3746.10 of the Revised 41264
Code. 41265

(D) A certified professional shall maintain all documents and 41266
data prepared or acquired by the certified professional in 41267
connection with a no further action letter for not less than ten 41268
years after the date of issuance of the letter or after the notice 41269
required under division (B) of this section has been sent, as 41270
applicable, or for a longer period as determined in rules adopted 41271
under section 3746.04 of the Revised Code. The director shall have 41272
access to those documents and data in accordance with section 41273
3746.18 or 3746.31 of the Revised Code. 41274

Sec. 3746.12. (A) Except as provided in division (C) of this 41275
section, the director of environmental protection shall issue to a 41276
person on behalf of whom a certified professional has submitted to 41277
the director an original no further action letter and accompanying 41278
verification under division (A) of section 3746.11 of the Revised 41279
Code a covenant not to sue for the property that is named in the 41280
letter. The director shall not issue a covenant not to sue if an 41281
original no further action letter is submitted to ~~him~~ the director 41282
by any person other than the certified professional who prepared 41283
the letter or if a copy of the letter is submitted to ~~him~~ the 41284
director. 41285

A covenant not to sue shall contain both of the following, as 41286
applicable: 41287

(1) A provision releasing the person who undertook the 41288
voluntary action from all civil liability to this state to perform 41289
additional investigational and remedial activities to address a 41290
release of hazardous substances or petroleum when the property has 41291
undergone a phase I or a phase II property assessment in 41292
compliance with this chapter and rules adopted under it or has 41293
been the subject of remedial activities conducted under this 41294
chapter and rules adopted under it to address a release of 41295
hazardous substances or petroleum and such an assessment or those 41296
activities demonstrate or result in compliance with applicable 41297
standards, except: 41298

(a) As otherwise specifically provided in this chapter or as 41299
may be conditioned by the director under this chapter; 41300

(b) For claims for natural resource damages the state may 41301
have pursuant to section 107 or 113 of the "Comprehensive 41302
Environmental Response, Compensation, and Liability Act of 1980," 41303
94 Stat. 2781 and 2792, 42 U.S.C.A. 9607 and 9613, as amended; 41304

(c) For claims the state may have pursuant to section 107 of 41305
the "Comprehensive Environmental Response, Compensation, and 41306
Liability Act of 1980," 94 Stat. 2781, 42 U.S.C.A. 9607, as 41307
amended, for costs other than those for damages to natural 41308
resources, provided that the state incurs those other costs as a 41309
result of an action by the president of the United States under 41310
section 104, 106, 107, or 122 of that act or pursuant to section 41311
3746.29 of the Revised Code. 41312

(2) If the voluntary action involves the use of engineering 41313
controls that contain and control the release of hazardous 41314
substances or petroleum at or from the property in order to comply 41315
with applicable standards, all of the following: 41316

(a) A provision requiring that the person enter into an 41317
operation and maintenance agreement with the director that ensures 41318

that all engineering controls are maintained so that the remedy is protective of public health and safety and the environment; that includes provisions requiring the person to conduct monitoring for compliance with the engineering controls and the applicable standards upon which issuance of the covenant was based, and periodically to report the findings of the monitoring to the director, as specified in the agreement; and that includes financial assurances that the remedy will remain operational and functional;

(b) A provision requiring the transferor of a covenant that contains an operation and maintenance agreement for engineering controls to notify the director whenever a transfer or assignment of the covenant or property to which it applies occurs;

(c) A provision revoking the covenant if the engineering controls are violated or are no longer in place and the person has not reinstated the controls within a reasonable period of time as determined in accordance with the covenant.

(B)(1) The release provided under division (A)(1) of this section remains effective only for as long as the property or portion thereof to which the covenant pertains continues to comply with the applicable standards upon which the issuance of the covenant was based.

(2) Upon finding that a property or portion thereof to which a covenant not to sue pertains no longer complies with the applicable standards upon which issuance of the covenant was based, the director, by certified mail, receipt requested, shall mail notice of that fact and the requirements of division (B)(3) of this section to the person responsible for maintaining compliance with those standards.

(3) Unless the recipient of a notice provided under division (B)(2) of this section, within thirty days after the mailing of

the notice, notifies the director of ~~his~~ the recipient's intention 41350
to return the property or portion thereof to compliance with the 41351
applicable standards upon which issuance of the covenant was based 41352
and enters into a compliance schedule agreement with the director, 41353
the director, by issuance of an order as a final action under 41354
Chapter 3745. of the Revised Code, shall revoke the covenant. The 41355
compliance schedule agreement shall establish a reasonable period 41356
of time for returning to compliance with those applicable 41357
standards. 41358

(4) Upon finding that a person with whom ~~he~~ the director has 41359
entered into a compliance schedule agreement under division (B)(3) 41360
of this section has failed to return the property or portion 41361
thereof to which the agreement pertains to compliance with the 41362
applicable standards within the time established in the agreement, 41363
the director, by issuance of an order as a final action under 41364
Chapter 3745. of the Revised Code, shall revoke the covenant 41365
applicable to the property or portion thereof. 41366

(C) The director shall deny a covenant not to sue as a final 41367
action for any of the following reasons: 41368

(1) The no further action letter submitted on behalf of the 41369
person seeking the covenant not to sue does not comply with 41370
section 3746.11 of the Revised Code and any rules adopted under 41371
this chapter regarding no further action letters; 41372

(2) The director determines from information available to ~~him~~ 41373
to the director that a remedy identified in the no further action 41374
letter does not protect public health and safety and the 41375
environment; 41376

(3) The no further action letter was submitted fraudulently. 41377

(D) The director shall not revoke a covenant not to sue 41378
issued for property for which a voluntary action was conducted in 41379
accordance with standards and procedures ~~established in section~~ 41380

~~3746.07~~ that applied prior to the adoption of rules under section 41381
~~3746.04~~ of the Revised Code solely on the basis that the voluntary 41382
action was conducted in accordance with those standards and 41383
procedures. 41384

(E) Unless a covenant not to sue issued under this section is 41385
revoked through the operation of a provision of the covenant 41386
described in division (A)(2)(c) of this section, or under division 41387
(B) of this section, division (B)(2) of section 3746.18 of the 41388
Revised Code, or division (B) of section 3746.19 of the Revised 41389
Code, the covenant shall remain effective as long as the property 41390
complies with the applicable standards that were in effect when 41391
the person who undertook the voluntary action submitted the 41392
information and demonstrations required under division (C) of 41393
section 3746.10 of the Revised Code to the certified professional 41394
who prepared the no further action letter regardless of whether 41395
amendments to the rules adopted under division (B)(1) or (2) of 41396
section 3746.04 of the Revised Code that became effective after 41397
that time altered the generic numerical clean-up standards for a 41398
contaminant addressed by the voluntary action or the procedures or 41399
levels of acceptable risk that govern the property-specific risk 41400
assessments conducted in lieu of compliance with generic numerical 41401
standards. 41402

Sec. 3746.13. (A) For property that does not involve the 41403
issuance of a consolidated standards permit under section 3746.15 41404
of the Revised Code and where no remedial activities for which 41405
there is a required operation and maintenance agreement or an 41406
environmental covenant under this chapter or sections 5301.80 to 41407
5301.92 of the Revised Code, as applicable, are used to comply 41408
with applicable standards, the director of environmental 41409
protection shall issue a covenant not to sue pursuant to section 41410
3746.12 of the Revised Code by issuance of an order and as a final 41411
action under Chapter 3745. of the Revised Code within thirty days 41412

after the director receives the no further action letter for the 41413
property from the certified professional who prepared the letter 41414
under section 3746.11 of the Revised Code. 41415

(B) For property that involves the issuance of a consolidated 41416
standards permit under section 3746.15 of the Revised Code or 41417
where remedial activities for which there is a required operation 41418
and maintenance agreement or an environmental covenant under this 41419
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 41420
applicable, are used to comply with applicable standards, the 41421
director shall issue a covenant not to sue pursuant to section 41422
3746.12 of the Revised Code by issuance of an order and as a final 41423
action under Chapter 3745. of the Revised Code within ninety days 41424
after the director receives the no further action letter for the 41425
property from the certified professional who prepared the letter 41426
and enters into an environmental covenant regarding the property, 41427
if applicable. 41428

(C) Except as provided in division (D) of this section, each 41429
person who is issued a covenant not to sue under this section 41430
shall pay the fee established pursuant to rules adopted under 41431
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 41432
Until those rules become effective, each person who is issued a 41433
covenant not to sue shall pay a fee of two thousand dollars. The 41434
fee shall be paid to the director at the time that the no further 41435
action letter and accompanying verification are submitted to the 41436
director. 41437

(D) An applicant, as defined in section 122.65 of the Revised 41438
Code, who has entered into an agreement under section 122.653 of 41439
the Revised Code and who is issued a covenant not to sue under 41440
this section shall not be required to pay the fee for the issuance 41441
of a covenant not to sue established in rules adopted under 41442
division ~~(B)(8)~~(B)(7) of section 3746.04 of the Revised Code. 41443

Sec. 3746.17. (A) The director of environmental protection 41444
shall conduct audits in connection with no further action letters 41445
issued under section 3746.11 of the Revised Code for all of the 41446
following purposes: 41447

(1) Determining whether after completion of the voluntary 41448
actions under this chapter and rules adopted under it, the 41449
properties where the voluntary actions were conducted meet 41450
applicable standards; 41451

(2) Reviewing the qualifications of and work performed by 41452
certified professionals under the voluntary action program to 41453
ascertain whether they possess the qualifications for 41454
certification pursuant to rules adopted under division (B)(5) of 41455
section 3746.04 of the Revised Code and whether their performance 41456
under the program has resulted in the issuance of no further 41457
action letters that are not consistent with applicable standards; 41458

(3) Reviewing ~~the qualifications of and~~ work performed by 41459
certified laboratories or accredited laboratories in connection 41460
with the voluntary action program, and inspecting the facilities 41461
of ~~certified~~ those laboratories to ascertain whether ~~they possess~~ 41462
~~the qualifications for certification pursuant to rules adopted~~ 41463
~~under division (B)(6) of section 3746.04 of the Revised Code and~~ 41464
~~whether~~ their performance in connection with the program has 41465
resulted in the issuance of no further action letters that are not 41466
consistent with applicable standards. 41467

An audit may be conducted for any of the purposes identified 41468
in divisions (A)(1) to (3) of this section or for any combination 41469
of those purposes. 41470

(B) ~~Commencing one year after the effective date of this~~ 41471
~~section, the~~ The director annually shall conduct in connection 41472
with the no further action letters submitted to ~~him~~ the director 41473
during the preceding calendar year under section 3746.11 of the 41474

Revised Code audits of not less than twenty-five per cent of the 41475
letters pertaining ~~the~~ to voluntary actions that involved remedial 41476
activities and not less than twenty-five per cent of the letters 41477
pertaining to voluntary actions that did not involve remedial 41478
activities. Audits conducted pursuant to contracts entered into 41479
under division ~~(E)~~(D) of this section or division (B) of section 41480
3745.01 of the Revised Code shall be included in determining the 41481
number of audits conducted by the director during the year in 41482
which the audits were conducted. 41483

~~(C) Except as provided in division (D) of this section, the~~ 41484
The director shall select the no further action letters to be 41485
audited under this section in accordance with the selection 41486
criteria established in rules adopted under division ~~(B)(9)~~(B)(8) 41487
of section 3746.04 of the Revised Code. Any such audit shall be 41488
conducted in accordance with the rules adopted under that 41489
division. 41490

~~(D) Prior to the adoption of rules under section 3746.04 of~~ 41491
~~the Revised Code, the director may conduct audits in connection~~ 41492
~~with no further action letters issued under section 3746.11 of the~~ 41493
~~Revised Code in order to determine if the relevant properties,~~ 41494
~~certified professionals, certified laboratories, or any~~ 41495
~~combination of them comply with the standards established in~~ 41496
~~section 3746.07 of the Revised Code.~~ 41497

~~(E)~~ The director may enter into contracts to have audits 41498
conducted under this section in accordance with rules adopted 41499
under division ~~(B)(9)~~(B)(8) of section 3746.04 of the Revised 41500
Code. The director shall not select as a contractor to conduct 41501
audits under this section a person who meets any of the following: 41502

~~(a)~~(1) Undertook the voluntary action in connection with 41503
which the audit is to be performed; 41504

~~(b)~~(2) Is employed by, affiliated with, or related to the 41505

person who undertook the voluntary action in connection with which 41506
the audit is to be performed or was employed by or affiliated with 41507
that person during the year preceding the date that the audit is 41508
to be conducted; 41509

~~(e)~~(3) Served as the certified professional who issued the no 41510
further action letter for the voluntary action in connection with 41511
which the audit is to be performed or is employed by, affiliated 41512
with, or related to the person who served as the certified 41513
professional or was employed by or affiliated with that person 41514
during the year preceding the date that the audit is to be 41515
conducted; 41516

~~(d)~~(4) Performed or reviewed, or ~~his~~ the person's employer 41517
performed or reviewed, any work that was conducted to support the 41518
request for the no further action letter in connection with which 41519
the audit is to be performed; 41520

~~(e)~~(5) Served as a certified laboratory or accredited 41521
laboratory that performed any analyses that formed the basis for 41522
the issuance of the no further action letter in connection with 41523
which the audit is to be performed, is employed by, affiliated 41524
with, or related to the person who served as such a certified 41525
laboratory or accredited laboratory, or was employed by or 41526
affiliated with that person during the year preceding the date 41527
that the audit is to be conducted. 41528

Sec. 3746.18. (A) The director of environmental protection 41529
may request a certified professional or certified laboratory or 41530
accredited laboratory to provide ~~to him~~ the director documents and 41531
data for the purposes of verifying the qualifications of the 41532
professional or laboratory or auditing the performance of the 41533
professional or laboratory in connection with voluntary actions 41534
conducted under this chapter and rules adopted under it or may 41535
request any other person who performed work that was conducted to 41536

support a request for a no further action letter as provided in 41537
division (B)(2) of section 3746.10 of the Revised Code to submit 41538
documents and data relating to the no further action letter. 41539

No person shall fail to comply with a request made under this 41540
division. 41541

(B) In addition to any other remedy provided by law, the 41542
director may do either or both of the following in connection with 41543
a violation of division (A) of this section: 41544

(1) Permanently revoke the certification of the certified 41545
professional ~~or certified laboratory~~ in accordance with rules 41546
adopted under division (B)(5)(g) ~~or (B)(6)(f)~~ of section 3746.04 41547
of the Revised Code, as applicable; 41548

(2) Revoke any covenant not to sue issued under section 41549
3746.12 of the Revised Code pertaining to the director's request 41550
for information under division (A) of this section. 41551

Nothing in division (B)(2) of this section precludes a person 41552
whose covenant not to sue was revoked under that division from 41553
having a new no further action letter prepared regarding the 41554
relevant property and issued under section 3746.11 of the Revised 41555
Code by another certified professional, or using another ~~certified~~ 41556
accredited laboratory, for the purpose of obtaining a new covenant 41557
not to sue for the property. 41558

Sec. 3746.19. (A) If the director of environmental protection 41559
finds that the performance of a certified professional or 41560
certified laboratory has resulted in the issuance of no further 41561
action letters under section 3746.11 of the Revised Code that are 41562
not consistent with applicable standards, ~~he~~ the director shall 41563
notify persons for whom the certified professional or certified 41564
laboratory has performed work in connection with a voluntary 41565
action of ~~his~~ those findings. 41566

(B) The director, in accordance with the criteria and 41567
procedures established in rules adopted under division 41568
~~(B)(9)~~(B)(8) of section 3746.04 of the Revised Code, may conduct 41569
an audit of any property for which a covenant not to sue was 41570
issued under section 3746.12 of the Revised Code based upon a no 41571
further action letter issued under section 3746.11 of the Revised 41572
Code that was prepared by a certified professional whose 41573
certification was subsequently suspended or revoked under this 41574
chapter and rules adopted under it or based upon a no further 41575
action letter for a voluntary action for which analyses were 41576
performed by a certified laboratory for which the certification 41577
was ~~subsequently~~ suspended or revoked ~~under this chapter and rules~~ 41578
~~adopted under it~~ before the effective date of this amendment. 41579

If, after such an audit, the director finds that the property 41580
does not comply with applicable standards, ~~he~~ the director shall 41581
proceed in accordance with divisions (B)(2) through (4) of section 41582
3746.12 of the Revised Code. 41583

Sec. 3746.20. (A) All of the following shall be submitted by 41584
affidavit: 41585

(1) Any information, data, documents, or reports submitted by 41586
any of the following to another person for the purposes of a 41587
voluntary action conducted under this chapter and rules adopted 41588
under it: 41589

(a) The person undertaking the voluntary action; 41590

(b) A certified professional; 41591

(c) Any other person who performed work that was conducted to 41592
support a request for a no further action letter as provided in 41593
division (B)(2) of section 3746.10 of the Revised Code; 41594

(d) A certified laboratory; 41595

(e) An accredited laboratory. 41596

(2) Any information submitted by an environmental professional to the director of environmental protection for the purposes of complying with rules adopted under division (B)(5)(a) or (c) of section 3746.04 of the Revised Code ~~or with division (D) of section 3746.07 of the Revised Code;~~

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~~(3) Any information submitted by a laboratory for the purposes of complying with rules adopted under division (B)(6)(a) or (b) of section 3746.04 of the Revised Code;~~

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~~(4) The verification of eligible costs associated with a voluntary action submitted by a certified professional to the director of development pursuant to section 3746.121 of the Revised Code.~~

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(B) No person shall materially falsify, tamper with, or render inaccurate any information, data, documents, or reports generated for the purposes of or used in documenting or preparing a no further action letter under this chapter or rules adopted under it or verification of eligible costs under section 3746.121 of the Revised Code.

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Violation of this division is not falsification under section 2921.13 of the Revised Code.

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(C) In accordance with rules adopted under division (B)(5)(f) of section 3746.04 of the Revised Code, the director permanently shall revoke the certification of a certified professional who violates division (B) of this section.

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(D) No person, with purpose to deceive a certified professional, ~~certified~~ accredited laboratory, or a contractor thereof, or the environmental protection agency or a contractor thereof, shall withhold, conceal, or destroy any data, information, records, or documents relating to a voluntary action.

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Sec. 3746.21. (A) In addition to the authority established in

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sections 3746.18, 3746.19, and 3746.20 of the Revised Code, the 41627
director of environmental protection or ~~his~~ the director's 41628
authorized representative, upon proper identification and upon 41629
stating the necessity and purpose of an inspection, may enter at 41630
reasonable times upon any of the following: 41631

(1) Any public or private property at which a voluntary 41632
action has been or is being conducted under this chapter and rules 41633
adopted under it; ~~upon any~~ 41634

(2) Any public or private property, real or personal, that is 41635
owned or operated by a person who is participating or has 41636
participated in the voluntary action program under this chapter 41637
and rules adopted under it where data, information, records, or 41638
documents relating to the person's participation in the voluntary 41639
action program are kept; ~~or upon any~~ 41640

(3) Any public or private property, real or personal, upon 41641
which is located a certified laboratory, accredited laboratory, or 41642
the offices of a certified professional, ~~to inspect.~~ 41643

(B) The director or the director's authorized representative 41644
may enter upon any property described in division (A) of this 41645
section to do any of the following: 41646

(1) Inspect the credentials of the certified professional or 41647
the credentials and facilities of the certified laboratory or 41648
accredited laboratory; ~~to examine~~ 41649

To examine or copy data, information, records, or documents 41650
relating to the evaluation, investigation, or remediation of 41651
properties under this chapter and rules adopted under it or to 41652
compliance with a consolidated standards permit issued under 41653
section 3746.15 of the Revised Code; ~~or to obtain~~ 41654

(3) Obtain samples of soil, water, or other environmental 41655
media at properties where voluntary actions have been or are being 41656
conducted under this chapter and rules adopted under it. 41657

(C) The director or ~~his~~ the director's authorized representative may apply for and any judge of a court of record may issue an administrative inspection warrant under division (F) of section 2933.21 of the Revised Code, or other appropriate search warrant, necessary to achieve the purposes of this chapter within the court's territorial jurisdiction.

Sec. 3746.31. Upon the written request of any person for information, documents, reports, or data described on a list submitted to the director of environmental protection pursuant to ~~division (F) of section 3746.07 of the Revised Code or rules~~ adopted under division ~~(B)(7)(e)~~ (B)(6)(e) of section 3746.04 of the Revised Code, as applicable, the director, within a reasonable period of time after receipt of the request, shall provide copies of the requested materials to the person. If the requested materials are not on file in the offices of the environmental protection agency, the director, promptly after receipt of the request, shall send a written request to the certified professional who submitted the list pursuant to that division or those rules to submit the requested materials to the director within a specified reasonable period of time. The certified professional shall submit the requested materials to the director within the time specified in the director's request. Within a reasonable period of time after the director receives the requested materials from the certified professional, the director shall provide copies of them, at cost, to the person who requested them and shall retain the originals in the agency's files.

Sec. 3746.35. (A) Not later than ~~September 1, 1996, and not later than~~ the first day of September of each ~~subsequent~~ year, the director of environmental protection shall prepare and submit to the chairpersons of the respective standing committees of the senate and house of representatives primarily responsible for

considering environmental and taxation matters a report regarding 41689
the voluntary action program established under this chapter and 41690
rules adopted under it and the tax abatements granted pursuant to 41691
sections 5709.87 and 5709.88 of the Revised Code for properties 41692
where voluntary actions were conducted. Each annual report shall 41693
include, without limitation, all of the following: 41694

(1) Both of the following for each property for which a 41695
covenant not to sue was issued under section 3746.12 of the 41696
Revised Code during the preceding calendar year: 41697

(a) The address of the property and name of the person who 41698
undertook the voluntary action at the property; 41699

(b) Whether the applicable standards governing the voluntary 41700
action were the ~~interim standards established in section 3746.07~~ 41701
~~of the Revised Code or the~~ generic numerical clean-up standards 41702
established in rules adopted under division (B)(1) of section 41703
3746.04 of the Revised Code or the interim standards that applied 41704
prior to the adoption of rules under that section, were 41705
established through the performance of a risk assessment pursuant 41706
to rules adopted under division (B)(2) of section 3746.04 of the 41707
Revised Code, or were set forth in a variance issued under section 41708
3746.09 of the Revised Code. 41709

(2) All of the following for each property for which a 41710
variance was issued under section 3746.09 of the Revised Code 41711
during the preceding calendar year: 41712

(a) The address of the property and the name of the person to 41713
whom the variance was issued; 41714

(b) A summary of the alternative standards and terms and 41715
conditions of the variance and brief description of the 41716
improvement in environmental conditions at the property that is 41717
anticipated to result from compliance with the alternative 41718
standards and terms and conditions set forth in the variance; 41719

(c) A brief description of the economic benefits to the person to whom the variance was issued and the community in which the property is located that are anticipated to result from the undertaking of the voluntary action in compliance with the alternative standards and terms and conditions set forth in the variance.

(3) The number of audits performed under section 3746.17 of the Revised Code during the preceding calendar year and, in connection with each of them, at least the following information:

(a) The address of the property in connection with which the audit was performed and the name of the person who undertook the voluntary action at the property;

(b) An indication as to whether the audit was a random audit or was conducted in accordance with the priorities established in rules adopted under divisions (A)(9)(a) to (f) of section 3746.04 of the Revised Code and, if the audit was conducted in accordance with those priorities, an indication as to which of them resulted in the selection of the voluntary action for an audit;

(c) A brief summary of the findings of the audit and any action taken by the environmental protection agency as a result of those findings.

(4) The number of covenants not to sue revoked during the preceding calendar year through the operation of divisions (A)(2)(c) and (B) of section 3746.12, division (B)(2) of section 3746.18, and division (B) of section 3746.19 of the Revised Code and for each property for which a covenant was revoked, at least both of the following:

(a) The address of the property affected by the revocation and name of the person who undertook the voluntary action at the property;

(b) The reason for the revocation.

(5) The amount of money credited to the voluntary action administration fund created in section 3746.16 of the Revised Code during the preceding fiscal year from the fees established in ~~divisions (D) and (H) of section 3746.07~~ and division (C) of section 3746.13 of the Revised Code and from civil penalties imposed under section 3746.22 of the Revised Code. The report shall indicate the amount of money that arose from each of the fees and from the civil penalties. The report also shall include the amount of money expended from the fund during the preceding fiscal year by program category, including, without limitation, the amount expended for conducting audits under section 3746.17 of the Revised Code during the preceding fiscal year.

(6) For each property that is receiving a tax abatement under section 5709.87 of the Revised Code for the preceding tax year, the amount of the valuation exempted from real property taxation for that tax year under that section. In order to comply with division (A)(6) of this section, the director shall include in the annual report the report required under division (B)(2) of this section.

(7) For each property that is receiving a tax abatement pursuant to an agreement with a municipal corporation or county entered into under section 5709.88 of the Revised Code, the amount of the valuation exempted from real or personal property taxation. In order to comply with division (A)(7) of this section, the director shall include in the annual report the report required under division (C) of this section.

(B)(1) Not later than the thirty-first day of March 31, 1996 ~~of each year~~, the county auditor of each county in which is located any property that ~~is receiving~~ received a tax abatement under section 5709.87 of the Revised Code for the preceding tax year shall report to the director of environmental protection for each such property both of the following as applicable ~~to tax year~~

1995: 41783

(a) The address of the property and the name of the owner as 41784
stated in the records of the county auditor of the county in which 41785
the property is located; 41786

(b) The amount of the valuation of the property that was 41787
exempted from real property taxation under that section. 41788

~~Not later than the thirty first day of March of each 41789
subsequent year, each such county auditor shall report the 41790
information described in those divisions to the director of 41791
environmental protection for each property within the county that 41792
is receiving a tax abatement under that section for the preceding 41793
tax year. 41794~~

(2) Not later than ~~July 1, 1996, and not later than~~ the first 41795
day of July of each ~~subsequent~~ year, the director of environmental 41796
protection shall compile the information provided to the director 41797
under division (B)(1) of this section applicable to the preceding 41798
tax year into a report covering all of the counties in the state 41799
in which are located properties receiving a tax abatement under 41800
section 5709.87 of the Revised Code for the preceding tax year. 41801

(C) Not later than ~~July 1, 1996, and not later than~~ the first 41802
day of July of each ~~subsequent~~ year, the director of environmental 41803
protection shall compile the information provided to the director 41804
by municipal corporations and counties under division (A) of 41805
section 5709.882 of the Revised Code applicable to the preceding 41806
calendar year into a report covering, by county, all of the 41807
municipal corporations and counties in this state in which are 41808
located properties receiving a tax abatement pursuant to an 41809
agreement entered into under section 5709.88 of the Revised Code. 41810

Sec. 3770.03. (A) The state lottery commission shall 41811
promulgate rules under which a statewide lottery may be conducted, 41812

which includes, and since the original enactment of this section 41813
has included, the authority for the commission to operate video 41814
lottery terminal games. Any reference in this chapter to tickets 41815
shall not be construed to in any way limit the authority of the 41816
commission to operate video lottery terminal games. Nothing in 41817
this chapter shall restrict the authority of the commission to 41818
promulgate rules related to the operation of games utilizing video 41819
lottery terminals as described in section 3770.21 of the Revised 41820
Code. The rules shall be promulgated pursuant to Chapter 119. of 41821
the Revised Code, except that instant game rules shall be 41822
promulgated pursuant to section 111.15 of the Revised Code but are 41823
not subject to division (D) of that section. Subjects covered in 41824
these rules shall include, but need not be limited to, the 41825
following: 41826

(1) The type of lottery to be conducted; 41827

(2) The prices of tickets in the lottery; 41828

(3) The number, nature, and value of prize awards, the manner 41829
and frequency of prize drawings, and the manner in which prizes 41830
shall be awarded to holders of winning tickets. 41831

(B) The commission shall promulgate rules, in addition to 41832
those described in division (A) of this section, pursuant to 41833
Chapter 119. of the Revised Code under which a statewide lottery 41834
and statewide joint lottery games may be conducted. Subjects 41835
covered in these rules shall include, but not be limited to, the 41836
following: 41837

(1) The locations at which lottery tickets may be sold and 41838
the manner in which they are to be sold. These rules may authorize 41839
the sale of lottery tickets by commission personnel or other 41840
licensed individuals from traveling show wagons at the state fair, 41841
and at any other expositions the director of the commission 41842
considers acceptable. These rules shall prohibit commission 41843

personnel or other licensed individuals from soliciting from an 41844
exposition the right to sell lottery tickets at that exposition, 41845
but shall allow commission personnel or other licensed individuals 41846
to sell lottery tickets at an exposition if the exposition 41847
requests commission personnel or licensed individuals to do so. 41848
These rules may also address the accessibility of sales agent 41849
locations to commission products in accordance with the "Americans 41850
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 41851
et seq. These rules may not permit a lottery sales agent to accept 41852
a credit card for the purchase of a lottery ticket, except for a 41853
video lottery terminal as provided in rule 3770:2-7-01 of the 41854
Administrative Code. 41855

(2) The manner in which lottery sales revenues are to be 41856
collected, including authorization for the director to impose 41857
penalties for failure by lottery sales agents to transfer revenues 41858
to the commission in a timely manner; 41859

(3) The amount of compensation to be paid to licensed lottery 41860
sales agents; 41861

(4) The substantive criteria for the licensing of lottery 41862
sales agents consistent with section 3770.05 of the Revised Code, 41863
and procedures for revoking or suspending their licenses 41864
consistent with Chapter 119. of the Revised Code. If 41865
circumstances, such as the nonpayment of funds owed by a lottery 41866
sales agent, or other circumstances related to the public safety, 41867
convenience, or trust, require immediate action, the director may 41868
suspend a license without affording an opportunity for a prior 41869
hearing under section 119.07 of the Revised Code. 41870

(5) Special game rules to implement any agreements signed by 41871
the governor that the director enters into with other lottery 41872
jurisdictions under division (J) of section 3770.02 of the Revised 41873
Code to conduct statewide joint lottery games. The rules shall 41874
require that the entire net proceeds of those games that remain, 41875

after associated operating expenses, prize disbursements, lottery 41876
sales agent bonuses, commissions, and reimbursements, and any 41877
other expenses necessary to comply with the agreements or the 41878
rules are deducted from the gross proceeds of those games, be 41879
transferred to the lottery profits education fund under division 41880
(B) of section 3770.06 of the Revised Code. 41881

(6) Any other subjects the commission determines are 41882
necessary for the operation of video lottery terminal games, 41883
including the establishment of any fees, fines, payment schedules, 41884
or the establishment of a voluntary exclusion program. 41885

(C) Chapter 2915. of the Revised Code does not apply to, 41886
affect, or prohibit lotteries conducted pursuant to this chapter. 41887

(D) The commission may promulgate rules, in addition to those 41888
described in divisions (A) and (B) of this section, that establish 41889
standards governing the display of advertising and celebrity 41890
images on lottery tickets and on other items that are used in the 41891
conduct of, or to promote, the statewide lottery and statewide 41892
joint lottery games. Any revenue derived from the sale of 41893
advertising displayed on lottery tickets and on those other items 41894
shall be considered, for purposes of section 3770.06 of the 41895
Revised Code, to be related proceeds in connection with the 41896
statewide lottery or gross proceeds from statewide joint lottery 41897
games, as applicable. 41898

(E)(1) The commission shall meet with the director at least 41899
once each month and shall convene other meetings at the request of 41900
the chairperson or any five of the members. No action taken by the 41901
commission shall be binding unless at least five of the members 41902
present vote in favor of the action. A written record shall be 41903
made of the proceedings of each meeting and shall be transmitted 41904
forthwith to the governor, the president of the senate, the senate 41905
minority leader, the speaker of the house of representatives, and 41906
the house minority leader. 41907

(2) The director shall present to the commission a report 41908
each month, showing the total revenues, prize disbursements, and 41909
operating expenses of the state lottery for the preceding month. 41910
As soon as practicable after the end of each fiscal year, the 41911
commission shall prepare and transmit to the governor and the 41912
general assembly a report of lottery revenues, prize 41913
disbursements, and operating expenses for the preceding fiscal 41914
year and any recommendations for legislation considered necessary 41915
by the commission. 41916

Sec. 3770.073. (A) If a person is entitled to a lottery prize 41917
award and is indebted to the state for the payment of any tax, 41918
workers' compensation premium, unemployment contribution, payment 41919
in lieu of unemployment contribution, certified claim under 41920
section 131.02 or 131.021 of the Revised Code, or is indebted to a 41921
political subdivision that has a certified claim under section 41922
131.02 of the Revised Code, lottery sales receipts held in trust 41923
on behalf of the state lottery commission as described in division 41924
(H)(4) of section 3770.05 of the Revised Code, or charge, penalty, 41925
or interest arising from these debts and if the amount of the 41926
prize money or the cost of goods or services awarded as a lottery 41927
prize award ~~is five thousand dollars or more~~ meets or exceeds the 41928
reportable winnings amount set by 26 U.S.C. 6041, the director of 41929
the state lottery commission, or the director's designee, shall do 41930
either of the following: 41931

(1) If the prize award will be paid in a lump sum, deduct 41932
from the prize award and pay to the attorney general an amount in 41933
satisfaction of the debt and pay any remainder to that person. If 41934
the amount of the prize award is less than the amount of the debt, 41935
the entire amount of the prize award shall be deducted and paid in 41936
partial satisfaction of the debt. 41937

(2) If the prize award will be paid in annual installments, 41938

on the date the initial installment payment is due, deduct from 41939
that installment and pay to the attorney general an amount in 41940
satisfaction of the debt and, if necessary to collect the full 41941
amount of the debt, do the same for any subsequent annual 41942
installments, at the time the installments become due and owing to 41943
the person, until the debt is fully satisfied. 41944

(B) If a person entitled to a lottery prize award owes more 41945
than one debt, any debt owed to the state shall be satisfied 41946
first, subject to both section 5739.33 and division (G) of section 41947
5747.07 of the Revised Code having first priority, and subject to 41948
division (C) of this section. 41949

(C) Any debt owed under section 3770.071 of the Revised Code 41950
shall be satisfied with first priority over debts owed under this 41951
section. 41952

(D) Except as provided in section 131.021 of the Revised 41953
Code, this section applies only to debts that have become final. 41954

Sec. 3770.08. (A) No person shall sell a lottery ticket at a 41955
price greater than that fixed by rule of the state lottery 41956
commission. 41957

(B) No person other than a licensed lottery sales agent shall 41958
sell lottery tickets, but nothing in this section shall be 41959
construed to prevent any person from giving lottery tickets to 41960
another as a gift. A transfer of lottery tickets by any person 41961
which is made in connection with a marketing, promotional, or 41962
advertising program shall be deemed to be a gift for the purposes 41963
of this chapter. 41964

(C) No person shall sell a lottery ticket to any person under 41965
eighteen years of age, and no person under eighteen years of age 41966
shall attempt to purchase a lottery ticket. 41967

(D) No person, directly or indirectly, on behalf of self, or 41968

another, nor any organization, shall invite, solicit, demand, 41969
offer, or accept any payment, contribution, favor, or other 41970
consideration to influence the award, renewal, or retention of a 41971
lottery sales agent license. 41972

(E) Except as otherwise provided in this division, no person 41973
shall sell lottery tickets on any fairgrounds during any annual 41974
exhibition conducted in accordance with Chapter 991. or 1711. of 41975
the Revised Code. "Fairgrounds" includes any land or property 41976
under the control or management of any agricultural society or of 41977
the Ohio expositions commission. This division does not apply to 41978
the sale of lottery tickets by the commission at the state 41979
fairground during the state fair. 41980

(F) No person shall recklessly accept a credit card for the 41981
purchase of a lottery ticket. This prohibition does not apply to a 41982
video lottery terminal as provided in rule 3770:2-7- 01 of the 41983
Administrative Code. 41984

Sec. 3772.01. As used in this chapter: 41985

(A) "Applicant" means any person who applies to the 41986
commission for a license under this chapter. 41987

(B) "Casino control commission fund" means the casino control 41988
commission fund described in Section 6(C)(3)(d) of Article XV, 41989
Ohio Constitution, the money in which shall be used to fund the 41990
commission and its related affairs. 41991

(C) "Casino facility" means a casino facility as defined in 41992
Section 6(C)(9) of Article XV, Ohio Constitution. 41993

(D) "Casino game" means any slot machine or table game as 41994
defined in this chapter. 41995

(E) "Casino gaming" means any type of slot machine or table 41996
game wagering, using money, casino credit, or any representative 41997
of value, authorized in any of the states of Indiana, Michigan, 41998

Pennsylvania, and West Virginia as of January 1, 2009, and 41999
includes slot machine and table game wagering subsequently 42000
authorized by, but shall not be limited by, subsequent 42001
restrictions placed on such wagering in such states. "Casino 42002
gaming" does not include bingo, as authorized in Section 6 of 42003
Article XV, Ohio Constitution and conducted as of January 1, 2009, 42004
or horse racing where the pari-mutuel system of wagering is 42005
conducted, as authorized under the laws of this state as of 42006
January 1, 2009. 42007

(F) "Casino gaming employee" means any employee of a casino 42008
operator or management company, but not a key employee, and as 42009
further defined in section 3772.131 of the Revised Code. 42010

(G) "Casino operator" means any person, trust, corporation, 42011
partnership, limited partnership, association, limited liability 42012
company, or other business enterprise that directly or indirectly 42013
holds an ownership or leasehold interest in a casino facility. 42014
"Casino operator" does not include an agency of the state, any 42015
political subdivision of the state, any person, trust, 42016
corporation, partnership, limited partnership, association, 42017
limited liability company, or other business enterprise that may 42018
have an interest in a casino facility, but who is legally or 42019
contractually restricted from conducting casino gaming. 42020

(H) "Central system" means a computer system that provides 42021
the following functions related to casino gaming equipment used in 42022
connection with casino gaming authorized under this chapter: 42023
security, auditing, data and information retrieval, and other 42024
purposes deemed necessary and authorized by the commission. 42025

(I) "Cheat" means to alter the result of a casino game, the 42026
element of chance, the operation of a machine used in a casino 42027
game, or the method of selection of criteria that determines (a) 42028
the result of the casino game, (b) the amount or frequency of 42029
payment in a casino game, (c) the value of a wagering instrument, 42030

or (d) the value of a wagering credit. "Cheat" does not include an individual who, without the assistance of another individual or without the use of a physical aid or device of any kind, uses the individual's own ability to keep track of the value of cards played and uses predictions formed as a result of the tracking information in the individual's playing and betting strategy.

(J) "Commission" means the Ohio casino control commission.

(K) "Gaming agent" means a peace officer employed by the commission that is vested with duties to enforce this chapter and conduct other investigations into the conduct of the casino gaming and the maintenance of the equipment that the commission considers necessary and proper and is in compliance with section 109.77 of the Revised Code.

(L) "Gaming-related vendor" means any individual, partnership, corporation, association, trust, or any other group of individuals, however organized, who supplies gaming-related equipment, goods, or services to a casino operator or management company, that are directly related to or affect casino gaming authorized under this chapter, including, but not limited to, the manufacture, sale, distribution, or repair of slot machines and table game equipment.

(M) "Holding company" means any corporation, firm, partnership, limited partnership, limited liability company, trust, or other form of business organization not a natural person which directly or indirectly does any of the following:

(1) Has the power or right to control a casino operator, management company, or gaming-related vendor license applicant or licensee;

(2) Holds an ownership interest of five per cent or more, as determined by the commission, in a casino operator, management company, or gaming-related vendor license applicant or licensee;

(3) Holds voting rights with the power to vote five per cent 42062
or more of the outstanding voting rights of a casino operator, 42063
management company, or gaming-related vendor applicant or 42064
licensee. 42065

(N) "Initial investment" includes costs related to 42066
demolition, engineering, architecture, design, site preparation, 42067
construction, infrastructure improvements, land acquisition, 42068
fixtures and equipment, insurance related to construction, and 42069
leasehold improvements. 42070

(O) "Institutional investor" means any of the following 42071
entities owning five per cent or more, but less than fifteen per 42072
cent, of an ownership interest in a casino facility, casino 42073
operator, management company, or holding company: a corporation, 42074
bank, insurance company, pension fund or pension fund trust, 42075
retirement fund, including funds administered by a public agency, 42076
employees' profit-sharing fund or employees' profit-sharing trust, 42077
any association engaged, as a substantial part of its business or 42078
operations, in purchasing or holding securities, including a hedge 42079
fund, mutual fund, or private equity fund, or any trust in respect 42080
of which a bank is trustee or cotrustee, investment company 42081
registered under the "Investment Company Act of 1940," 15 U.S.C. 42082
80a-1 et seq., collective investment trust organized by banks 42083
under Part Nine of the Rules of the Comptroller of the Currency, 42084
closed-end investment trust, chartered or licensed life insurance 42085
company or property and casualty insurance company, investment 42086
advisor registered under the "Investment Advisors Act of 1940," 15 42087
U.S.C. 80 b-1 et seq., and such other persons as the commission 42088
may reasonably determine to qualify as an institutional investor 42089
for reasons consistent with this chapter, and that does not 42090
exercise control over the affairs of a licensee and its ownership 42091
interest in a licensee is for investment purposes only, as set 42092
forth in division (F) of section 3772.10 of the Revised Code. 42093

(P) "Key employee" means any executive, employee, agent, or other individual who has the power to exercise significant influence over decisions concerning any part of the operation of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license or the operation of a holding company of a person that has applied for or holds a casino operator, management company, or gaming-related vendor license, including:

(1) An officer, director, trustee, partner, or an equivalent fiduciary;

(2) An individual who holds a direct or indirect ownership interest of five per cent or more;

(3) An individual who performs the function of a principal executive officer, principal operating officer, principal accounting officer, or an equivalent officer;

(4) Any other individual the commission determines to have the power to exercise significant influence over decisions concerning any part of the operation.

(Q) "Licensed casino operator" means a casino operator that has been issued a license by the commission and that has been certified annually by the commission to have paid all applicable fees, taxes, and debts to the state.

(R) "Majority ownership interest" in a license or in a casino facility, as the case may be, means ownership of more than fifty per cent of such license or casino facility, as the case may be. For purposes of the foregoing, whether a majority ownership interest is held in a license or in a casino facility, as the case may be, shall be determined under the rules for constructive ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as in effect on January 1, 2009.

(S) "Management company" means an organization retained by a

casino operator to manage a casino facility and provide services 42125
such as accounting, general administration, maintenance, 42126
recruitment, and other operational services. 42127

(T) "Ohio law enforcement training fund" means the state law 42128
enforcement training fund described in Section 6(C)(3)(f) of 42129
Article XV, Ohio Constitution, the money in which shall be used to 42130
enhance public safety by providing ~~additional~~ training 42131
opportunities to the law enforcement community. 42132

(U) "Person" includes, but is not limited to, an individual 42133
or a combination of individuals; a sole proprietorship, a firm, a 42134
company, a joint venture, a partnership of any type, a joint-stock 42135
company, a corporation of any type, a corporate subsidiary of any 42136
type, a limited liability company, a business trust, or any other 42137
business entity or organization; an assignee; a receiver; a 42138
trustee in bankruptcy; an unincorporated association, club, 42139
society, or other unincorporated entity or organization; entities 42140
that are disregarded for federal income tax purposes; and any 42141
other nongovernmental, artificial, legal entity that is capable of 42142
engaging in business. 42143

(V) "Problem casino gambling and addictions fund" means the 42144
state problem gambling and addictions fund described in Section 42145
6(C)(3)(g) of Article XV, Ohio Constitution, the money in which 42146
shall be used for treatment of problem gambling and substance 42147
abuse, and for related research. 42148

(W) "Promotional gaming credit" means a slot machine or table 42149
game credit, discount, or other similar item issued to a patron to 42150
enable the placement of, or increase in, a wager at a slot machine 42151
or table game. 42152

(X) "Slot machine" means any mechanical, electrical, or other 42153
device or machine which, upon insertion of a coin, token, ticket, 42154
or similar object, or upon payment of any consideration, is 42155

available to play or operate, the play or operation of which, 42156
whether by reason of the skill of the operator or application of 42157
the element of chance, or both, makes individual prize 42158
determinations for individual participants in cash, premiums, 42159
merchandise, tokens, or any thing of value, whether the payoff is 42160
made automatically from the machine or in any other manner, but 42161
does not include any device that is a skill-based amusement 42162
machine, as defined in section 2915.01 of the Revised Code. 42163

(Y) "Table game" means any game played with cards, dice, or 42164
any mechanical, electromechanical, or electronic device or machine 42165
for money, casino credit, or any representative of value. "Table 42166
game" does not include slot machines. 42167

(Z) "Upfront license" means the first plenary license issued 42168
to a casino operator. 42169

(AA) "Voluntary exclusion program" means a program provided 42170
by the commission that allows persons to voluntarily exclude 42171
themselves from the gaming areas of facilities under the 42172
jurisdiction of the commission by placing their name on a 42173
voluntary exclusion list and following the procedures set forth by 42174
the commission. 42175

Sec. 3772.37. (A) Pursuant to section 131.02 of the Revised 42176
Code, the attorney general shall develop and implement a real time 42177
data match program and make it available to each casino operator 42178
and management company to identify patrons who owe amounts to the 42179
state or a political subdivision. 42180

(B)(1) Before disbursing any casino winnings to a patron that 42181
meet or exceed the reportable winnings amount set by 26 U.S.C. 42182
6041, a casino operator or management company shall consult the 42183
data match program to determine whether the patron owes any 42184
amounts to the state or a political subdivision. If the data match 42185
program indicates that the patron owes any amounts to the state or 42186

a political subdivision, the casino operator or management company 42187
shall withhold from the patron's winnings an amount sufficient to 42188
satisfy those amounts, up to the amount of the winnings. 42189

(2) If the data match program described in section 3123.90 of 42190
the Revised Code indicates that the patron also is in default 42191
under a support order, the casino operator or management company 42192
shall transmit to the department of job and family services an 42193
amount sufficient to satisfy any past due support owed by the 42194
patron, up to the amount of the winnings, before transmitting any 42195
remaining amount to the attorney general under division (C) of 42196
this section. 42197

(C)(1) Not later than seven days after withholding an amount 42198
under division (B) of this section, the casino operator or 42199
management company shall transmit to the attorney general any 42200
amount withheld and not already disbursed to the department of job 42201
and family services under section 3123.90 of the Revised Code as 42202
payment on the amount owed. 42203

(2) If the patron owes more than one amount to the state or a 42204
political subdivision as identified by the data match program 42205
described in this section, the amount owed to the state shall be 42206
satisfied first, except that any amounts owed under section 42207
5739.33 and division (G) of section 5747.07 of the Revised Code 42208
shall have first priority. 42209

(D) Except as otherwise provided in section 131.021 of the 42210
Revised Code, this section applies only to amounts owed that have 42211
become final. 42212

(E) The attorney general, in consultation with the 42213
commission, may adopt rules under Chapter 119. of the Revised Code 42214
as necessary to implement this section. 42215

Sec. 3791.07. (A) The board of building standards may 42216

superintendent of industrial compliance shall establish such 42217
reasonable inspection fee schedules as ~~it~~ the superintendent 42218
determines necessary or desirable relating to the inspection of 42219
all plans and specifications submitted for approval to the 42220
division of industrial compliance, and all industrialized units 42221
inspected at the point of origin and at the construction site of 42222
the building. The inspection fee schedule ~~established shall be~~ 42223
adopted by rule, in accordance with Chapter 119. of the Revised 42224
Code, and shall bear some reasonable relationship to the cost of 42225
administering and enforcing the provisions of Chapters 3781. and 42226
3791. of the Revised Code. 42227

(B) In addition to the fee assessed in division (A) of this 42228
section, the board of building standards shall assess a fee of not 42229
more than five dollars for each application for acceptance and 42230
approval of plans and specifications and for making inspections 42231
pursuant to section 3791.04 of the Revised Code. The board shall 42232
adopt rules, in accordance with Chapter 119. of the Revised Code, 42233
specifying the manner by which the superintendent of industrial 42234
compliance shall collect and remit to the board the fees assessed 42235
under this division and requiring that remittance of the fees be 42236
made at least quarterly. 42237

(C) Any person who fails to pay an inspection fee required 42238
for any inspection conducted by the department of commerce 42239
pursuant to Chapters 3781. and 3791. of the Revised Code, except 42240
for fees charged for the inspection of plans and specifications, 42241
within forty-five days after the inspection is conducted, shall 42242
pay a late payment fee equal to twenty-five per cent of the 42243
inspection fee. 42244

(D) The board of building standards shall pay the fees 42245
assessed under this section into the state treasury to the credit 42246
of the industrial compliance operating fund created in section 42247
121.084 of the Revised Code. 42248

Sec. 3794.01. Definitions.

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As used in this chapter:

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(A) "Smoking" means inhaling, exhaling, burning, or carrying any lighted ~~cigar, cigarette, pipe, or other lighted smoking device for burning tobacco or any other plant or heated tobacco product or plant product intended for inhalation in any manner or in any form.~~ "Smoking" includes the use of an electronic smoking device and a vapor product, as those terms are defined in section 2927.02 of the Revised Code. "Smoking" does not include the burning of incense in a religious ceremony.

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(B) "Public place" means an enclosed area to which the public is invited or in which the public is permitted and that is not a private residence.

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(C) "Place of employment" means an enclosed area under the direct or indirect control of an employer that the employer's employees use for work or any other purpose, including but not limited to, offices, meeting rooms, sales, production and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. An enclosed area as described herein is a place of employment without regard to the time of day or the presence of employees.

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(D) "Employee" means a person who is employed by an employer, or who contracts with an employer or third person to perform services for an employer, or who otherwise performs services for an employer for compensation or for no compensation.

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(E) "Employer" means the state or any individual, business, association, political subdivision, or other public or private entity, including a nonprofit entity, that employs or contracts for or accepts the provision of services from one or more employees.

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(F) "Enclosed Area" means an area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.

(G) "Proprietor" means an employer, owner, manager, operator, liquor permit holder, or person in charge or control of a public place or place of employment.

(H) "Retail tobacco store" means a retail establishment that derives more than eighty ~~percent~~ per cent of its gross revenue from the sale of ~~cigars, cigarettes, pipes, or other smoking devices for burning tobacco~~ lighted or heated tobacco products and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include a tobacco department or section of a larger commercial establishment or of any establishment with a liquor permit or of any restaurant.

(I) "Outdoor patio" means an area that is either: enclosed by a roof or other overhead covering and walls or side coverings on not more than two sides; or has no roof or other overhead covering regardless of the number of walls or other side coverings.

Sec. 3902.50. As used in sections 3902.50 to ~~3902.54~~ 3902.71 of the Revised Code:

(A) "Ambulance" has the same meaning as in section 4765.01 of the Revised Code.

(B) "Clinical laboratory services" has the same meaning as in section 4731.65 of the Revised Code.

(C) "Cost sharing" means the cost to a covered person under a health benefit plan according to any copayment, coinsurance, deductible, or other out-of-pocket expense requirement.

(D) "Covered person," "health benefit plan," "health care

services," and "health plan issuer" have the same meanings as in 42309
section 3922.01 of the Revised Code. 42310

(E) "Emergency facility" has the same meaning as in section 42311
3701.74 of the Revised Code. 42312

(F) "Emergency services" means all of the following as 42313
described in 42 U.S.C. 1395dd: 42314

(1) Medical screening examinations undertaken to determine 42315
whether an emergency medical condition exists; 42316

(2) Treatment necessary to stabilize an emergency medical 42317
condition; 42318

(3) Appropriate transfers undertaken prior to an emergency 42319
medical condition being stabilized. 42320

(G) "Prior authorization requirement" means any practice 42321
implemented by a health plan issuer in which coverage of a health 42322
care service, device, or drug is dependent upon a covered person 42323
or a provider obtaining approval from the health plan issuer prior 42324
to the service, device, or drug being performed, received, or 42325
prescribed, as applicable. "Prior authorization requirement" 42326
includes prospective or utilization review procedures conducted 42327
prior to providing a health care service, device, or drug. 42328

(H) "Unanticipated out-of-network care" means health care 42329
services, including clinical laboratory services, that are covered 42330
under a health benefit plan and that are provided by an 42331
out-of-network provider when either of the following conditions 42332
applies: 42333

(1) The covered person did not have the ability to request 42334
such services from an in-network provider. 42335

(2) The services provided were emergency services. 42336

Sec. 3902.60. As used in sections 3902.60 and 3902.61 of the 42337

Revised Code: 42338

(A) "Associated conditions" means the symptoms or side 42339
effects of stage four advanced metastatic cancer, or the treatment 42340
thereof, which would, in the judgment of the health care 42341
practitioner in question, jeopardize the health of a covered 42342
individual if left untreated. 42343

(B) ~~"Covered person," "health benefit plan," and "health plan~~ 42344
~~issuer" have the same meanings~~ "Health care provider" has the same 42345
meaning as in section 3922.01 of the Revised Code. 42346

(C) "Stage four advanced metastatic cancer" means a cancer 42347
that has spread from the primary or original site of the cancer to 42348
nearby tissues, lymph nodes, or other areas or parts of the body. 42349

Sec. 3902.62. (A) As used in this section, "interchangeable 42350
biological product" and "generically equivalent drug" have the 42351
same meanings as in section 3715.01 of the Revised Code. 42352

(B) Notwithstanding section 3901.71 of the Revised Code, with 42353
regard to health benefit plans amended, issued, or renewed on or 42354
after the effective date of this section, a health plan issuer 42355
shall not do any of the following during a plan year: 42356

(1) Increase a covered person's burden of cost-sharing with 42357
respect to a drug; 42358

(2) Move a drug to a more restrictive tier of a health 42359
benefit plan's formulary; 42360

(3) Remove a drug from a health benefit plan's formulary 42361
unless one of the following occurred: 42362

(a) The United States food and drug administration issued a 42363
statement about the drug calling into question the clinical safety 42364
of the drug. 42365

(b) The drug manufacturer notified the United States food and 42366

<u>drug administration of a permanent discontinuance or interruption</u>	42367
<u>of the manufacture of the drug as required by 21 U.S.C. 356c.</u>	42368
<u>(c) The drug manufacturer has removed the drug from sale in</u>	42369
<u>the United States.</u>	42370
<u>(4) Limit or reduce coverage of a drug with respect to a</u>	42371
<u>covered person in any other way, including subjecting it to a</u>	42372
<u>prior authorization requirement.</u>	42373
<u>(C) This section shall not be construed to do any of the</u>	42374
<u>following:</u>	42375
<u>(1) Prevent a health plan issuer from adding a drug to its</u>	42376
<u>formulary;</u>	42377
<u>(2) Prevent a health plan issuer from removing a drug from</u>	42378
<u>its formulary if the drug manufacturer has removed the drug from</u>	42379
<u>sale in the United States;</u>	42380
<u>(3) Prevent a health care provider from prescribing another</u>	42381
<u>drug covered by the health benefit plan that the provider</u>	42382
<u>considers medically appropriate for the covered person;</u>	42383
<u>(4) In the case of a prescribed drug for which a generically</u>	42384
<u>equivalent drug or interchangeable biological product is</u>	42385
<u>available, prevent any of the following:</u>	42386
<u>(a) A pharmacist from substituting the generically equivalent</u>	42387
<u>drug or interchangeable biological product for the prescribed drug</u>	42388
<u>in accordance with section 4729.38 of the Revised Code;</u>	42389
<u>(b) A health plan issuer from requiring a covered person to</u>	42390
<u>use the generically equivalent drug or interchangeable biological</u>	42391
<u>product instead of the prescribed drug, even when the equivalent</u>	42392
<u>or product becomes available during a plan year;</u>	42393
<u>(c) A covered person from using the generically equivalent</u>	42394
<u>drug or interchangeable drug product instead of the prescribed</u>	42395
<u>drug, even when the equivalent or product becomes available during</u>	42396

<u>a plan year.</u>	42397
<u>(5) Prevent a pharmacist from substituting for a prescribed epinephrine autoinjector another epinephrine autoinjector pursuant to section 4729.382 of the Revised Code.</u>	42398 42399 42400
<u>(D) A violation of this section shall be considered an unfair and deceptive practice in the business of insurance for the purposes of section 3901.21 of the Revised Code.</u>	42401 42402 42403
Sec. 3902.70. As used in this section and section 3902.71 of the Revised Code:	42404 42405
(A) "340B covered entity" and "third-party administrator" have the same meanings as in section 5167.01 of the Revised Code.	42406 42407
(B) "Health plan issuer" has the same meaning as in section 3922.01 of the Revised Code.	42408 42409
(C) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code."	42410 42411
Sec. 3929.87. Within ninety days of the occurrence of a fire loss in excess of five thousand dollars to real or personal property, the <u>state</u> fire marshal or any other person authorized to make an investigation pursuant to section 3737.24 of the Revised Code shall determine, <u>to the extent practicable and in a manner consistent with accepted standards of investigation,</u> whether such loss was caused by arson.	42412 42413 42414 42415 42416 42417 42418
Sec. 4104.32. Except as provided pursuant to section 4104.37 of the Revised Code, no person shall operate a historical boiler in this state in a place that is open to the public unless <u>the both of the following requirements are satisfied:</u>	42419 42420 42421 42422
<u>(A) The person operating the boiler is licensed under section 4104.35 of the Revised Code.</u>	42423 42424

(B) The owner of the boiler holds a current valid certificate of operation for the historical boiler pursuant to section 4104.36 of the Revised Code. 42425
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Sec. 4104.33. There is hereby created the historical boilers licensing board consisting of seven members, three of whom shall be appointed by the governor with the advice and consent of the senate. The governor shall make initial appointments to the board within ninety days after the effective date of this section. Of the initial members appointed by the governor, one shall be for a term ending three years after the effective date of this section, one shall be for a term ending four years after the effective date of this section, and one shall be for a term ending five years after the effective date of this section. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the three members the governor appoints, one member shall be an employee of the division of boiler inspection in the department of commerce; one member shall be an independent mechanical engineer who is not involved in selling or inspecting historical boilers; and one shall be an active member of an association that represents managers of fairs or festivals. 42428
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Two members of the board shall be appointed by the president of the senate and two members of the board shall be appointed by the speaker of the house of representatives. The president and speaker shall make initial appointments to the board within ninety days after the effective date of this section. Of the initial members appointed by the president, one shall be for a term ending four years after the effective date of this section and one shall be for a term ending five years after the effective date of this section. Of the initial members appointed by the speaker, one shall be for a term ending three years after the effective date of this section and one shall be for a term ending five years after 42446
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the effective date of this section. Thereafter, terms of office 42457
shall be for five years, each term ending on the same day of the 42458
same month of the year as did the term that it succeeds. Of the 42459
four members appointed by the president and speaker, each shall 42460
own a historical boiler and also have at least ten years of 42461
experience in the operation of historical boilers, and each of 42462
these four members shall reside in a different region of the 42463
state. 42464

Each member shall hold office from the date of the member's 42465
appointment until the end of the term for which the member was 42466
appointed. Members may be reappointed. Vacancies shall be filled 42467
by the director of commerce, and shall not require the advice and 42468
consent of the senate. Any member appointed to fill a vacancy 42469
occurring prior to the expiration date of the term for which the 42470
member's predecessor was appointed shall hold office as a member 42471
for the remainder of that term. A member shall continue in office 42472
subsequent to the expiration date of the member's term until the 42473
successor takes office or until a period of sixty days has 42474
elapsed, whichever occurs first. 42475

The members of the board, annually, shall elect, by majority 42476
vote, a chairperson from among their members. The board shall meet 42477
at least once annually and at other times at the call of the 42478
chairperson. Board members shall receive their actual and 42479
necessary expenses incurred in the discharge of their duties as 42480
board members. The superintendent of industrial compliance shall 42481
call the first meeting of the board, and the superintendent, or 42482
the superintendent's designee, shall act as an ex officio 42483
chairperson at the first meeting for the sole purpose of electing 42484
a chairperson. 42485

The superintendent of industrial compliance shall furnish 42486
office space, staff, and supplies to the board as the 42487
superintendent determines are necessary for the board to carry out 42488

its official duties under sections 4104.33 to 4104.37 of the 42489
Revised Code. 42490

Sec. 4104.34. The ~~division of industrial compliance in the~~ 42491
~~department of commerce~~ historical boilers licensing board shall do 42492
all of the following: 42493

(A) Adopt rules concerning all of the following: 42494

(1) Criteria that inspectors of historical boilers shall 42495
utilize in determining the safe operation of historical boilers; 42496

(2) Procedures for the inspection of historical boilers; 42497

(3) The standards for riveted or welded repairs or 42498
alterations made to historical boilers; 42499

(4) Standards and procedures for the revocation of a 42500
historical boiler operator's license, which shall include an 42501
opportunity for appeal and hearing in accordance with Chapter 119. 42502
of the Revised Code; 42503

(5) Standards for regualifying for a license after revocation 42504
of a license; 42505

(6) Standards and procedures for conducting hydrostatic 42506
tests, and requirements for reporting the results of those tests 42507
to the ~~division~~ board, as required under division (F) of section 42508
4104.36 of the Revised Code; 42509

~~(5)~~(7) Standards for the public display and operation of 42510
historical boilers in this state by historical boiler operators 42511
who reside outside of this state. 42512

(B) Issue triennial certificates of operation for historical 42513
boilers that pass the inspection required under section 4104.36 of 42514
the Revised Code; 42515

(C) Conduct hearings in accordance with Chapter 119. of the 42516
Revised Code for any person who appeals a decision made by an 42517

inspector regarding whether the person should be denied a 42518
certificate of operation for the person's historical boiler; 42519

(D) Establish a fee for the inspection of historical boilers 42520
conducted pursuant to division (B) of section 4104.36 of the 42521
Revised Code in an amount sufficient to reimburse the department 42522
of commerce for the cost of conducting those inspections; 42523

(E) Reimburse the department of commerce for the cost of 42524
inspections performed by the division of boiler inspection 42525
pursuant to section 4104.36 of the Revised Code; 42526

(F) Issue licenses to operate historical boilers in public to 42527
persons who meet the requirements of section 4104.35 of the 42528
Revised Code; 42529

(G) Grant approval of historical boiler operator's courses as 42530
the board determines appropriate; 42531

(H) Grant approval of written or verbal examinations that are 42532
developed to test competence in operating historical boilers; 42533

(I) For purposes of section 4104.37 of the Revised Code, 42534
determine the smallest size of historical boilers that are subject 42535
to sections 4104.32 to 4104.36 of the Revised Code; 42536

~~(F)~~(J) For purposes of inspection criteria adopted by the 42537
~~division board~~ pursuant to division (A)(1) of this section, 42538
establish the criteria based upon the manufacturing standards for 42539
safe operation that are established by the various manufacturers 42540
of historical boilers; 42541

~~(G)~~(K) Appoint safety committees to conduct the hydrostatic 42542
tests required under division (F) of section 4104.36 of the 42543
Revised Code; 42544

~~(H)~~(L) Establish requirements for the minimum amount of 42545
liability insurance that an owner of historical boilers shall 42546
carry on each historical boiler operated in public that the owner 42547

owns, if the ~~division~~ board determines that a minimum amount 42548
should be established. 42549

Sec. 4104.35. (A) Any person may apply to the historical 42550
boiler licensing board to become licensed to operate historical 42551
boilers in public. The board shall issue a license to any person 42552
who satisfies the following criteria: 42553

(1) Is sixteen years of age or older; 42554

(2) Has completed a historical boiler operator's course that 42555
is approved by the board; 42556

(3) Passes a written or verbal examination that is approved 42557
by the board and that tests for competence in operating historical 42558
boilers; 42559

(4) Has at least one hundred hours of actual operating 42560
experience or training in the operation of historical boilers. 42561

(B) A person who satisfies the criteria described in division 42562
(A) of this section shall pay a one-time fee of fifty dollars for 42563
the issuance of a license under this section. 42564

(C) A license issued under this section is valid for the 42565
lifetime of the operator unless the license is revoked by the 42566
board pursuant to division (E) of this section. 42567

(D) Persons who are under the age of sixteen may be trained 42568
in the operation of historical boilers by serving as apprentices 42569
to operators who are licensed under this section, in order to 42570
obtain the training required under division (A)(4) of this section 42571
for licensure. 42572

(E) The board shall revoke a license issued under this 42573
section in accordance with rules the board adopts under division 42574
(A)(4) of section 4104.34 of the Revised Code. A person whose 42575
license is revoked may requalify for licensure if the person 42576
satisfies the criteria the board establishes in rules it adopts 42577

pursuant to division (A)(5) of section 4104.34 of the Revised Code. 42578
42579

Sec. 4104.36. (A) The owner of a historical boiler that is 42580
operated in public shall maintain a current valid certificate of 42581
operation for the historical boiler in accordance with the 42582
requirements of this section. 42583

(B) At least once every three years, inspectors designated by 42584
the ~~superintendent of industrial compliance~~ chief of the division 42585
of boiler inspection in the department of commerce shall inspect 42586
thoroughly, internally and externally, and under operating 42587
conditions, all historical boilers that are operated in public and 42588
their appurtenances. Inspectors shall examine the smoke box, 42589
barrel, wrapped sheet, dome, water column and water glass, 42590
firebox, external plumbing, fusible plug, pressure relief valve, 42591
and pressure gauge. 42592

(C) After conducting the inspection required under division 42593
(B) of this section, the inspector shall evaluate whether the 42594
historical boiler is in safe operating condition according to 42595
rules adopted by the ~~division of industrial compliance~~ historical 42596
boiler licensing board pursuant to division (A)(1) of section 42597
4104.34 of the Revised Code. If the inspector finds that the 42598
historical boiler is in safe operating condition, the inspector 42599
shall recommend that the ~~division~~ board issue a certificate of 42600
operation for the historical boiler. If the ~~division~~ board concurs 42601
with the recommendation of the inspector, the ~~division~~ board shall 42602
issue a certificate of operation for the historical boiler 42603
inspected by that inspector. A certificate of operation is valid 42604
for a period of three years after the date of issuance. 42605

(D) If an inspector does not recommend the issuance of a 42606
certificate of operation for the historical boiler or if the 42607
~~division~~ board decides not to issue a certificate of operation, 42608

the owner of the historical boiler may file an appeal with the 42609
~~division board~~, and the ~~division board~~ shall conduct a hearing in 42610
accordance with Chapter 119. of the Revised Code. 42611

(E) The owner of a historical boiler that is operated in 42612
public shall display the certificate of operation in a prominent 42613
place on the historical boiler during its operation. 42614

(F) At least once every three years, a safety committee 42615
appointed by the ~~division board~~ pursuant to division ~~(G)~~ (K) of 42616
section 4104.34 of the Revised Code shall conduct a hydrostatic 42617
test at one and one-quarter of the maximum allowable working 42618
pressure on all publicly operated historical boilers that are 42619
assigned by the ~~division board~~ for testing by that safety 42620
committee. The safety committee shall submit the results of each 42621
hydrostatic test to the ~~division board~~ in accordance with rules 42622
adopted by the ~~division board~~ pursuant to division ~~(A)(4)~~ (A)(6) 42623
of section 4104.34 of the Revised Code. 42624

Sec. 4104.37. Sections 4104.32 to 4104.36 of the Revised Code 42625
do not apply to historical boilers that are smaller than the size 42626
determined by the ~~division of industrial compliance~~ historical 42627
boilers licensing board pursuant to division ~~(E)~~ (I) of section 42628
4104.34 of the Revised Code." 42629

Sec. 3929.87. Within ninety days of the occurrence of a fire 42630
loss in excess of five thousand dollars to real or personal 42631
property, the state fire marshal or any other person authorized to 42632
make an investigation pursuant to section 3737.24 of the Revised 42633
Code shall determine, to the extent practicable and in a manner 42634
consistent with accepted standards of investigation, whether such 42635
loss was caused by arson. 42636

Sec. 4117.103. Notwithstanding any provision of section 42637
4117.08 or 4117.10 of the Revised Code to the contrary, no 42638

agreement entered into under this chapter on or after September 42639
29, 2005, shall prohibit a school district board of education from 42640
utilizing volunteers to assist the district and its schools in 42641
performing any of their functions, other than functions for which 42642
a license, permit, ~~or~~ certificate, or registration issued by the 42643
state board of education under section 3301.074 or Chapter 3319. 42644
of the Revised Code or a certificate issued under division (A) or 42645
(B) of section 3327.10 of the Revised Code is required. 42646

Sec. 4141.131. The director of job and family services may 42647
enter into contracts for the sale of real property no longer 42648
needed by the director of job and family services for the 42649
operations of the director of job and family services under this 42650
title. Any costs attributable to the director of job and family 42651
services that are associated with the sale of real property under 42652
this section shall be paid out of the unemployment compensation 42653
special administrative fund established pursuant to section 42654
4141.11 of the Revised Code. The director of job and family 42655
services shall submit a report summarizing the use of that fund 42656
for the purpose of this section at least annually to the 42657
unemployment compensation advisory council as prescribed by the 42658
council. 42659

The ~~auditor of state~~ director of administrative services, 42660
with the assistance of the attorney general, shall prepare a deed 42661
to the real property being sold upon notice from the director of 42662
job and family services that a contract for the sale of that 42663
property has been executed in accordance with this section. The 42664
deed shall state the consideration and any conditions placed upon 42665
the sale. The deed shall be executed by the governor in the name 42666
of the state, countersigned by the secretary of state, sealed with 42667
the great seal of the state, presented in the office of the 42668
~~auditor of state~~ director of administrative services for 42669

recording, and delivered to the buyer upon payment of the balance 42670
of the purchase price. 42671

The buyer shall present the deed for recording in the county 42672
recorder's office of the county in which the real property is 42673
located. 42674

Sec. 4141.21. Except as provided in section 4141.162 of the 42675
Revised Code, and subject to section 4141.43 of the Revised Code, 42676
the information maintained by the director of job and family 42677
services or the unemployment compensation review commission or 42678
furnished to the director or commission by employers or employees 42679
pursuant to this chapter is for the exclusive use and information 42680
of the department of job and family services and the commission in 42681
the discharge of ~~its~~ their duties and shall not be open to the 42682
public or be used in any court in any action or proceeding pending 42683
therein, or be admissible in evidence in any action, other than 42684
one arising under this chapter or section 5733.42 of the Revised 42685
Code. All of the information and records necessary or useful in 42686
the determination of any particular claim for benefits or 42687
necessary in verifying any charge to an employer's account under 42688
sections 4141.23 to 4141.26 of the Revised Code shall be available 42689
for examination and use by the employer and the employee involved 42690
or their authorized representatives in the hearing of such cases, 42691
and that information may be tabulated and published in statistical 42692
form for the use and information of the state departments and the 42693
public. 42694

Sec. 4141.22. (A) No person shall disclose any information 42695
that was maintained by the director of job and family services or 42696
the unemployment compensation review commission or that was 42697
furnished to the director or the commission by employers or 42698
employees pursuant to this chapter, unless such disclosure is 42699
permitted under section 4141.21 of the Revised Code. 42700

(B) No person in the employ of the director ~~of job and family~~ 42701
~~services or,~~ a county family services agency ~~or,~~ a workforce 42702
development agency, or the commission, or who has been in the 42703
employ of the director ~~or,~~ those agencies, or the commission, at 42704
any time, shall divulge any information maintained by or furnished 42705
to the director or the commission under this chapter and secured 42706
by the person while so employed, in respect to the transactions, 42707
property, business, or mechanical, chemical, or other industrial 42708
process of any person, firm, corporation, association, or 42709
partnership to any person other than the director or other 42710
employees of the department of job and family services or, a 42711
county family services agency ~~or,~~ workforce development agency, or 42712
the commission, as required by the person's duties, or to other 42713
persons as authorized by the director under section 4141.43 of the 42714
Revised Code. 42715

Whoever violates this section shall be disqualified from 42716
holding any appointment or employment by the director ~~or,~~ a county 42717
family services agency ~~or,~~ a workforce development agency, or the 42718
commission. 42719

Sec. 4141.51. (A) An employer who wishes to participate in 42720
the SharedWork Ohio program shall submit a plan to the director of 42721
job and family services in which the employer does all of the 42722
following: 42723

(1) Identifies the participating employees by name, social 42724
security number, affected unit, and normal weekly hours of work; 42725

(2) Describes the manner in which the employer will implement 42726
the requirements of the SharedWork Ohio program, including the 42727
proposed reduction percentage, which shall be between ten per cent 42728
and ~~fifty~~ sixty per cent, and any temporary closure of the 42729
participating employer's business for equipment maintenance or 42730
other similar circumstances that the employer knows may occur 42731

during the effective period of an approved plan; 42732

(3) Includes a plan for giving advance notice, if feasible, 42733
to an employee whose normal weekly hours of work are to be reduced 42734
and, if advance notice is not feasible, an explanation of why that 42735
notice is not feasible; 42736

(4) Includes a certification by the employer that the 42737
aggregate reduction in the number of hours worked by the employees 42738
of the employer is in lieu of layoffs and includes an estimate of 42739
the number of layoffs that would have occurred absent the ability 42740
to participate in the SharedWork Ohio program; 42741

(5) Includes a certification by the employer that if the 42742
employer provides health benefits and retirement benefits under a 42743
defined benefit plan, as defined in 26 U.S.C. 414(j), as amended, 42744
or contributions under a defined contribution plan as defined in 42745
26 U.S.C. 414(i), as amended, to any employee whose normal weekly 42746
hours of work are reduced under the program that such benefits 42747
will continue to be provided to an employee participating in the 42748
SharedWork Ohio program under the same terms and conditions as 42749
though the normal weekly hours of work of the employee had not 42750
been reduced or to the same extent as other employees not 42751
participating in the program; 42752

(6) Permits eligible employees to participate, as 42753
appropriate, in training to enhance job skills approved by the 42754
director, including employer-sponsored training or worker training 42755
funded under the federal "Workforce Innovation and Opportunity 42756
Act," 29 U.S.C. 3101 et seq.; 42757

(7) Includes any other information as required by the United 42758
States secretary of labor or the director under the rules the 42759
director adopts under section 4141.50 of the Revised Code; 42760

(8) Includes an attestation by the employer that the terms of 42761
the written plan submitted by the employer and implementation of 42762

that plan are consistent with obligations of the employer under 42763
the applicable federal and state laws; 42764

(9) Includes a certification by the employer that the 42765
employer will promptly notify the director of any change in the 42766
business that includes the sale or transfer of all or part of the 42767
business, and that the employer will notify any successor in 42768
interest to the employer's business prior to the transfer of all 42769
or part of the business, of the existence of any approved shared 42770
work plan; 42771

(10) Includes a certification by the employer that, as of the 42772
date the employer submits the plan, the employer is current on all 42773
reports and has paid all contributions, reimbursements, interest, 42774
and penalties due under this chapter; 42775

(11) Includes an assurance from the employer that the 42776
employer will remain current on all employer reporting and 42777
payments of contributions, reimbursements, interest, and penalties 42778
as required by this chapter; 42779

(12) Includes a certification by the employer that none of 42780
the participating employees are employed on a seasonal, temporary, 42781
or intermittent basis; 42782

(13) Includes an assurance from the employer that the 42783
employer will not reduce a participating employee's normal weekly 42784
hours of work by more than the reduction percentage, except in the 42785
event of a temporary closure of the employer's business for 42786
equipment maintenance, or when the employee takes approved time 42787
off during the week with pay, and the combined work hours and paid 42788
leave hours equal the number of hours the employee would have 42789
worked under the plan. 42790

(B) The director shall approve a shared work plan if an 42791
employer includes in the plan all of the information, 42792
certifications, and assurances required under division (A) of this 42793

section. 42794

(C) The director shall approve or deny a shared work plan and 42795
shall send a written notice to the employer stating whether the 42796
director approved or denied the plan not later than ~~thirty~~ ten 42797
days after the director receives the plan. If the director denies 42798
approval of a shared work plan, the director shall state the 42799
reasons for denying approval in the written notice sent to the 42800
employer. 42801

(D) The director shall enforce the requirements of the 42802
SharedWork Ohio program in the same manner as the director 42803
enforces the requirements of this chapter, including under section 42804
4141.40 of the Revised Code. 42805

Sec. 4141.53. (A) An individual is eligible to receive shared 42806
work compensation for a week in which the individual satisfies all 42807
of the following: 42808

(1) The individual is employed by a participating employer 42809
and is subject to a shared work plan that was approved before that 42810
week and is in effect for that week. 42811

(2) The individual is available for work and is actively 42812
seeking work by being available for the individual's normal weekly 42813
hours of work. 42814

(3) The individual's normal weekly hours of work with the 42815
participating employer have been reduced by at least ten per cent 42816
but not more than ~~fifty~~ sixty per cent. 42817

(4) The individual has been employed by an employer or 42818
employers subject to this chapter in at least twenty qualifying 42819
weeks within the individual's base period and has earned or been 42820
paid remuneration at an average weekly wage of not less than 42821
twenty-seven and one-half per cent of the statewide average weekly 42822
wage for those weeks. 42823

(5) The individual has been subject to a shared work plan for 42824
at least one week prior to the week for which the compensation is 42825
to be paid, or otherwise satisfies the waiting period requirement 42826
of division (B) of section 4141.29 of the Revised Code for the 42827
individual's benefit year. 42828

(6) The individual otherwise satisfies the requirements of 42829
this chapter and is not otherwise disqualified from receiving 42830
unemployment compensation benefits. 42831

(B) For purposes of division (A)(2) of this section, an 42832
individual is available for the individual's normal weekly hours 42833
of work with the participating employer if the individual does any 42834
of the following: 42835

(1) Works the number of weekly hours assigned to the 42836
individual under an approved shared work plan; 42837

(2) Works fewer hours than the number of weekly hours 42838
assigned to the individual under an approved shared work plan and 42839
either of the following apply: 42840

(a) The individual takes approved time off during the week 42841
with pay, and the combined work hours and paid leave hours equal 42842
the number of hours the employee would have worked under the plan; 42843

(b) The individual does not take approved time off with pay 42844
during that week and the reduction in hours was not the fault of 42845
the individual and was not more than ~~fifty~~ sixty per cent of the 42846
individual's normal weekly hours of work. 42847

(C)(1) Except as provided in division (C)(2) or (D) of this 42848
section, the director of job and family services shall pay a 42849
participating employee who is eligible for weekly shared work 42850
compensation in an amount equal to the participating employee's 42851
weekly benefit amount as described in division (B) of section 42852
4141.30 of the Revised Code for a period of total unemployment, 42853
multiplied by the reduction percentage specified in the approved 42854

shared work plan applicable to the participating employee. 42855

(2) The director shall pay a participating employee who is 42856
eligible for weekly shared work compensation in an amount equal to 42857
the participating employee's weekly benefit amount as described in 42858
division (B) of section 4141.30 of the Revised Code for a period 42859
of total unemployment, multiplied by the percentage by which the 42860
participating employee's normal weekly hours of work were actually 42861
reduced during the workweek, if all of the following apply: 42862

(a) The participating employee did not take approved paid 42863
leave during the week. 42864

(b) The participating employee's normal weekly hours of work 42865
were actually reduced by not less than ten per cent and not 42866
greater than ~~fifty~~ sixty per cent. 42867

(c) The increase or decrease in the participating employee's 42868
hours above or below the number of hours assigned to the employee 42869
in the approved shared work plan was not the fault of the 42870
employee. 42871

(3) The director shall determine fault for purposes of 42872
divisions (B)(2)(b) and (C)(2)(c) of this section in the same 42873
manner that the director makes determinations for benefit rights 42874
and determines claims for unemployment compensation benefits under 42875
sections 4141.28 and 4141.281 of the Revised Code. 42876

(4) The director shall round the amount of a shared work 42877
compensation payment that is not a multiple of one dollar to the 42878
next lower multiple of one dollar. 42879

(5) No shared work compensation shall be payable during the 42880
one-week period described in division (A)(5) of this section. 42881

(D) If an individual works for a participating employer and 42882
another employer during the weeks the individual is covered by an 42883
approved shared work plan, eligibility for shared work 42884

compensation is determined as follows: 42885

(1) If the combined number of hours the individual works for 42886
both the participating employer and the other employer in a week 42887
exceeds the amount of the individual's normal weekly hours of work 42888
reduced by ten per cent, the individual is not eligible for shared 42889
work compensation. 42890

(2) If the combined number of hours the individual works in a 42891
week for both employers equals the amount of the individual's 42892
normal weekly hours of work reduced between ten and ~~fifty~~ sixty 42893
per cent, the director shall pay the individual, if the individual 42894
is otherwise eligible, shared work compensation in an amount equal 42895
to the individual's weekly benefit amount as described in division 42896
(B) of section 4141.30 of the Revised Code for a period of total 42897
unemployment, multiplied by the percentage by which the 42898
individual's normal weekly hours of work were reduced during the 42899
week when factoring in both the amount of hours worked for the 42900
other employer and the amount of hours worked for the 42901
participating employer. 42902

(E) A participating employee is not entitled to receive 42903
shared work compensation and unemployment compensation benefits 42904
that, when combined, exceed the maximum total benefits payable to 42905
the participating employee in a benefit year under section 4141.30 42906
of the Revised Code. No participating employee shall be paid 42907
shared work compensation during the employee's benefit year in an 42908
amount that exceeds twenty-six times the amount of the employee's 42909
weekly benefit amount for a period of total unemployment under 42910
section 4141.30 of the Revised Code. 42911

(F) An individual who has received all of the shared work 42912
compensation and unemployment compensation benefits available in a 42913
benefit year is an individual who has exhausted regular benefits 42914
under section 4141.30 of the Revised Code and is entitled to 42915
receive extended benefits under section 4141.301 of the Revised 42916

Code if the individual is otherwise eligible to receive benefits 42917
under that section. 42918

(G) Except as provided in division (C)(2) of this section, 42919
the director shall not pay shared work compensation to an 42920
individual for a week during which the individual performs paid 42921
work for the individual's participating employer that exceeds or 42922
falls below the reduced hours established under an approved shared 42923
work plan that covers the individual. 42924

(H)(1) Except as provided in divisions (H)(2) and (3) of this 42925
section, a participating employee is not eligible to receive 42926
benefits for being partially unemployed for any week during which 42927
the individual works as a participating employee. 42928

(2) A participating employee who performs no services during 42929
a week for the participating employer and who is otherwise 42930
eligible may be paid benefits for being totally or partially 42931
unemployed for that week. 42932

(3) A participating employee whose normal weekly hours of 42933
work are reduced by more than ~~fifty~~ sixty per cent and who is 42934
otherwise eligible may be paid benefits for partial unemployment 42935
for that week. 42936

(I) Any payment of total or partial unemployment compensation 42937
benefits under this section is not a payment of shared work 42938
compensation under an approved plan but shall be calculated 42939
against the maximum total benefits payable to the participating 42940
employee in a benefit year under section 4141.30 of the Revised 42941
Code. 42942

(J) For purposes of this section and unless another benefit 42943
year applies to the individual, notwithstanding division (R)(1) of 42944
section 4141.01 of the Revised Code, a participating employee's 42945
"benefit year" is the fifty-two week period beginning with the 42946
first day of that week with respect to which the employee's 42947

participating employer first files a claim on behalf of the 42948
participating employee pursuant to division (B) of section 4141.54 42949
of the Revised Code. 42950

Sec. 4141.55. (A) If the state is eligible for and receives 42951
reimbursement for shared work compensation paid under the 42952
SharedWork Ohio program from the federal government pursuant to 42953
the federal "Layoff Prevention Act of 2012," Pub. L. No. 112-96, 42954
126 Stat. 156, or any other federal law, notwithstanding section 42955
4141.24 of the Revised Code and if permitted under that act or 42956
other federal law, during the time period in which the state is 42957
fully or partially reimbursed the account of an employer shall not 42958
be charged for the portion of any shared work compensation paid to 42959
a participating employer's participating employees for which the 42960
state receives reimbursement. If the federal government does not 42961
provide full reimbursement for shared work compensation paid to an 42962
individual under section 4141.53 of the Revised Code, the portion 42963
of shared work compensation paid to that individual that is not 42964
reimbursed shall be charged in accordance with division (C) of 42965
this section. 42966

(B) Beginning with the week for which the federal government 42967
no longer provides reimbursement, or if the state does not receive 42968
reimbursement or the federal government requires an employer's 42969
account to be charged, any shared work compensation paid to an 42970
individual shall be charged in accordance with division (C) of 42971
this section. 42972

(C) Except as provided in divisions (A) and (B) of this 42973
section, any shared work compensation paid to an individual under 42974
section 4141.53 of the Revised Code shall be charged in accordance 42975
with division (D) of section 4141.24 of the Revised Code. 42976

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 42977

the Revised Code: 42978

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 42979
fluid ounces. 42980

(2) "Sale" or "sell" includes exchange, barter, gift, 42981
distribution, and, except with respect to A-4 permit holders, 42982
offer for sale. 42983

(B) For the purposes of providing revenues for the support of 42984
the state and encouraging the grape industries in the state, a tax 42985
is hereby levied on the sale or distribution of wine in Ohio, 42986
except for known sacramental purposes, at the rate of thirty cents 42987
per wine gallon for wine containing not less than four per cent of 42988
alcohol by volume and not more than fourteen per cent of alcohol 42989
by volume, ninety-eight cents per wine gallon for wine containing 42990
more than fourteen per cent but not more than twenty-one per cent 42991
of alcohol by volume, one dollar and eight cents per wine gallon 42992
for vermouth, and one dollar and forty-eight cents per wine gallon 42993
for sparkling and carbonated wine and champagne, the tax to be 42994
paid by the holders of A-2, A-2f, and B-5 permits or by any other 42995
person selling or distributing wine upon which no tax has been 42996
paid. From the tax paid under this section on wine, vermouth, and 42997
sparkling and carbonated wine and champagne, the treasurer of 42998
state shall credit to the Ohio grape industries fund created under 42999
section 924.54 of the Revised Code a sum equal to one cent per 43000
gallon for each gallon upon which the tax is paid. 43001

(C) For the purpose of providing revenues for the support of 43002
the state, there is hereby levied a tax on prepared and bottled 43003
highballs, cocktails, cordials, and other mixed beverages at the 43004
rate of one dollar and twenty cents per wine gallon to be paid by 43005
holders of A-4 permits or by any other person selling or 43006
distributing those products upon which no tax has been paid. Only 43007
one sale of the same article shall be used in computing the amount 43008

of tax due. The tax on mixed beverages to be paid by holders of 43009
A-4 permits under this section shall not attach until the 43010
ownership of the mixed beverage is transferred for valuable 43011
consideration to a wholesaler or retailer, and no payment of the 43012
tax shall be required prior to that time. 43013

(D) ~~During the period of July 1, 2019, through June 30, 2021,~~ 43014
~~from~~ From the tax paid under this section on wine, vermouth, and 43015
sparkling and carbonated wine and champagne, the treasurer of 43016
state shall credit to the Ohio grape industries fund created under 43017
section 924.54 of the Revised Code a sum equal to two cents per 43018
gallon upon which the tax is paid. The amount credited under this 43019
division is in addition to the amount credited to the Ohio grape 43020
industries fund under division (B) of this section. 43021

(E) For the purpose of providing revenues for the support of 43022
the state, there is hereby levied a tax on cider at the rate of 43023
twenty-four cents per wine gallon to be paid by the holders of 43024
A-2, A-2f, and B-5 permits or by any other person selling or 43025
distributing cider upon which no tax has been paid. Only one sale 43026
of the same article shall be used in computing the amount of the 43027
tax due. 43028

Sec. 4303.17. (A)(1) Permit D-4 may be issued to a club that 43029
has been in existence for three years or more prior to the 43030
issuance of the permit to sell beer and any intoxicating liquor to 43031
its members only, in glass or container, for consumption on the 43032
premises where sold. The fee for this permit is four hundred 43033
sixty-nine dollars. 43034

No D-4 permit shall be granted or retained until all elected 43035
officers of the organization controlling the club have filed with 43036
the division of liquor control a statement, ~~signed under oath,~~ 43037
certifying that the club is operated in the interest of the 43038
membership of a reputable organization, which is maintained by a 43039

dues paying membership, and setting forth the amount of initiation 43040
fee and yearly dues. 43041

The roster of membership of a D-4 permit holder shall be 43042
submitted ~~under oath on~~ at the request of the superintendent of 43043
liquor control. Any information acquired by the superintendent or 43044
the division with respect to that membership shall not be open to 43045
public inspection or examination and may be divulged by the 43046
superintendent and the division only in hearings before the liquor 43047
control commission or in a court action in which the division or 43048
the superintendent is named a party. 43049

(2) The requirement that a club shall have been in existence 43050
for three years in order to qualify for a D-4 permit does not 43051
apply to units of organizations chartered by congress or to a 43052
subsidiary unit of a national fraternal organization if the parent 43053
organization has been in existence for three years or more at the 43054
time application for a permit is made by that unit. 43055

(B) No rule or order of the division or commission shall 43056
prohibit a charitable organization that holds a D-4 permit from 43057
selling or serving beer or intoxicating liquor under its permit in 43058
a portion of its premises merely because that portion of its 43059
premises is used at other times for the conduct of a bingo game as 43060
described in division (O)(1) of section 2915.01 of the Revised 43061
Code. However, such an organization shall not sell or serve beer 43062
or intoxicating liquor or permit beer or intoxicating liquor to be 43063
consumed or seen in the same location in its premises where a 43064
bingo game as described in division (O)(1) of section 2915.01 of 43065
the Revised Code is being conducted while the game is being 43066
conducted. As used in this division, "charitable organization" has 43067
the same meaning as in division (H) of section 2915.01 of the 43068
Revised Code. 43069

(C) Notwithstanding any contrary provision of sections 43070
4301.32 to 4301.41, division (C)(1) of section 4303.29, and 43071

section 4305.14 of the Revised Code, the holder of a D-4 permit 43072
may transfer the location of the permit and sell beer and wine at 43073
the new location if that location is in an election precinct in 43074
which the sale of beer and wine, but not spirituous liquor, 43075
otherwise is permitted by law. 43076

Sec. 4303.26. (A) Applications for regular permits authorized 43077
by sections 4303.02 to 4303.23 of the Revised Code may be filed 43078
with the division of liquor control. No permit shall be issued by 43079
the division until fifteen days after the application for it is 43080
filed. An applicant for the issuance of a new permit shall pay a 43081
processing fee of one hundred dollars when filing application for 43082
the permit, if the permit is then available, or shall pay the 43083
processing fee when a permit becomes available, if it is not 43084
available when the applicant initially files the application. When 43085
an application for a new class C or D permit is filed, when class 43086
C or D permits become available, or when an application for 43087
transfer of ownership of a class C or D permit or transfer of a 43088
location of a class C or D permit is filed, no permit shall be 43089
issued, nor shall the location or the ownership of a permit be 43090
transferred, by the division until the division notifies the 43091
legislative authority of the municipal corporation if the business 43092
or event is or is to be located within the corporate limits of a 43093
municipal corporation, or the clerk of the board of county 43094
commissioners and the fiscal officer of the board of township 43095
trustees in the county in which the business or event is or is to 43096
be conducted if the business is or is to be located outside the 43097
corporate limits of a municipal corporation, and an opportunity is 43098
provided officials or employees of the municipal corporation or 43099
county and township, who shall be designated by the legislative 43100
authority or the board of county commissioners or board of 43101
township trustees, for a complete hearing upon the advisability of 43102
the issuance, transfer of ownership, or transfer of location of 43103

the permit. In this hearing, no objection to the issuance, 43104
transfer of ownership, or transfer of location of the permit shall 43105
be based upon noncompliance of the proposed permit premises with 43106
local zoning regulations which prohibit the sale of beer or 43107
intoxicating liquor, in an area zoned for commercial or industrial 43108
uses, for a permit premises that would otherwise qualify for a 43109
proper permit issued by the division. 43110

When the division sends notice to the legislative or 43111
executive authority of the political subdivision, as required by 43112
this section, the division shall also so notify, by certified 43113
mail, return receipt requested, or by personal service, the chief 43114
peace officer of the political subdivision. Upon the request of 43115
the chief peace officer, the division shall send the chief peace 43116
officer a copy of the application for the issuance or the transfer 43117
of ownership or location of the permit and all other documents or 43118
materials filed by the applicant or applicants in relation to the 43119
application. The chief peace officer may appear and testify, 43120
either in person or through a representative, at any hearing held 43121
on the advisability of the issuance, transfer of ownership, or 43122
transfer of location of the permit. The hearing shall be held in 43123
the central office of the division, except that upon written 43124
request of the legislative authority of the municipal corporation 43125
or the board of county commissioners or board of township 43126
trustees, the hearing shall be held in the county seat of the 43127
county where the applicant's business is or is to be conducted. 43128

If the business or event specified in an application for the 43129
issuance, transfer of ownership, or transfer of location of any 43130
regular permit authorized by sections 4303.02 to 4303.23 of the 43131
Revised Code, except for an F-2 permit, is, or is to be operated, 43132
within five hundred feet from the boundaries of a parcel of real 43133
estate having situated on it a school, church, library, public 43134
playground, or township park, no permit shall be issued, nor shall 43135

the location or the ownership of a permit be transferred, by the 43136
division until written notice of the filing of the application 43137
with the division is served, by certified mail, return receipt 43138
requested, or by personal service, upon the authorities in control 43139
of the school, church, library, public playground, or township 43140
park and an opportunity is provided them for a complete hearing 43141
upon the advisability of the issuance, transfer of ownership, or 43142
transfer of location of the permit. In this hearing, no objection 43143
to the issuance, transfer of ownership, or transfer of location of 43144
the permit shall be based upon the noncompliance of the proposed 43145
permit premises with local zoning regulations which prohibit the 43146
sale of beer or intoxicating liquor, in an area zoned for 43147
commercial or industrial uses, for a permit premises that would 43148
otherwise qualify for a proper permit issued by the division. Upon 43149
the written request of any of these authorities, the hearing shall 43150
be held in the county seat of the county where the applicant's 43151
business is or is to be conducted. 43152

A request for any hearing authorized by this section shall be 43153
made no later than thirty days from the time of notification by 43154
the division. This thirty-day period begins on the date the 43155
division mails notice to the legislative authority or the date on 43156
which the division mails notice to or, by personal service, serves 43157
notice upon, the institution. The division shall conduct a hearing 43158
if the request for the hearing is postmarked by the deadline date. 43159
The division may allow, upon cause shown by the requesting 43160
legislative authority or board, an extension of thirty additional 43161
days for the legislative authority of the municipal corporation, 43162
board of township trustees of the township, or board of county 43163
commissioners of the county in which a permit premises is or is to 43164
be located to object to the issuance, transfer of ownership, or 43165
transfer of location of a permit. The request for the extension 43166
shall be made by the legislative authority or board to the 43167
division no later than thirty days after the time of notification 43168

by the division. 43169

(B) When an application for transfer of ownership of a permit 43170
is filed with the division, the division shall give notice of the 43171
application to the tax commissioner. Within twenty days after 43172
receiving this notification, the commissioner shall notify the 43173
division of liquor control and the proposed transferee of the 43174
permit if the permit holder owes to this state any delinquent 43175
horse-racing taxes, alcoholic beverage taxes, motor fuel taxes, 43176
petroleum activity taxes, sales or use taxes, cigarette taxes, 43177
other tobacco product taxes, income taxes withheld from employee 43178
compensation, commercial activity taxes, ~~or~~ gross casino revenue 43179
taxes, or gross receipts taxes levied pursuant to section 5739.101 43180
of the Revised Code, or has failed to file any corresponding 43181
returns or submit any information required by the commissioner, as 43182
required for such taxes, to the extent that any delinquent payment 43183
or return, or any failure to submit information, is known to the 43184
department of taxation at the time of the application. The 43185
division shall not transfer ownership of the permit until payments 43186
known to be delinquent are resolved, returns known to be 43187
delinquent are filed, and any information required by the 43188
commissioner has been provided. As used in this division, 43189
"resolved" means that the delinquent payment has been paid in full 43190
or an amount sufficient to satisfy the delinquent payment is in 43191
escrow for the benefit of the state. The commissioner shall notify 43192
the division of the resolution. After the division has received 43193
the notification from the commissioner, the division may proceed 43194
to transfer ownership of the permit. Nothing in this division 43195
shall be construed to affect or limit the responsibilities or 43196
liabilities of the transferor or the transferee imposed by Chapter 43197
3769., 4301., 4303., 4305., 5735., 5736., 5739., 5741., 5743., 43198
5747., 5751., or 5753. of the Revised Code. 43199

(C) No F or F-2 permit shall be issued for an event until the 43200

applicant has, by means of a form that the division shall provide 43201
to the applicant, notified the chief peace officer of the 43202
political subdivision in which the event will be conducted of the 43203
date, time, place, and duration of the event. 43204

(D) The division of liquor control shall notify an applicant 43205
for a permit authorized by sections 4303.02 to 4303.23 of the 43206
Revised Code of an action pending or judgment entered against a 43207
liquor permit premises, of which the division has knowledge, 43208
pursuant to section 3767.03 or 3767.05 of the Revised Code if the 43209
applicant is applying for a permit at the location of the premises 43210
that is the subject of the action under section 3767.03 or 43211
judgment under section 3767.05 of the Revised Code. 43212

Sec. 4303.271. (A) Except as provided in divisions (B) and 43213
(D) of this section, the holder of a permit issued under sections 43214
4303.02 to 4303.232 of the Revised Code, who files an application 43215
for the renewal of the same class of permit for the same premises, 43216
shall be entitled to the renewal of the permit. The division of 43217
liquor control shall renew the permit unless the division rejects 43218
for good cause any renewal application, subject to the right of 43219
the applicant to appeal the rejection to the liquor control 43220
commission. 43221

(B) The legislative authority of the municipal corporation, 43222
the board of township trustees, or the board of county 43223
commissioners of the county in which a permit premises is located 43224
may object to the renewal of a permit issued under sections 43225
4303.11 to 4303.183 of the Revised Code for any of the reasons 43226
contained in division (A) of section 4303.292 of the Revised Code. 43227
Any objection shall be made no later than thirty days prior to the 43228
expiration of the permit, and the division shall accept the 43229
objection if it is postmarked no later than thirty days prior to 43230
the expiration of the permit. The objection shall be made by a 43231

resolution specifying the reasons for objecting to the renewal and 43232
requesting a hearing, but no objection shall be based upon 43233
noncompliance of the permit premises with local zoning regulations 43234
that prohibit the sale of beer or intoxicating liquor in an area 43235
zoned for commercial or industrial uses, for a permit premises 43236
that would otherwise qualify for a proper permit issued by the 43237
division. The resolution shall be accompanied by a statement by 43238
the chief legal officer of the political subdivision that, in the 43239
chief legal officer's opinion, the objection is based upon 43240
substantial legal grounds within the meaning and intent of 43241
division (A) of section 4303.292 of the Revised Code. 43242

Upon receipt of a resolution of a legislative authority or 43243
board objecting to the renewal of a permit and a statement from 43244
the chief legal officer, the division shall set a time for the 43245
hearing and send by certified mail to the permit holder, at the 43246
permit holder's usual place of business, a copy of the resolution 43247
and notice of the hearing. The division shall then hold a hearing 43248
in the central office of the division, except that, upon written 43249
request of the legislative authority or board, the hearing shall 43250
be held in the county seat of the county in which the permit 43251
premises is located, to determine whether the renewal shall be 43252
denied for any of the reasons contained in division (A) of section 43253
4303.292 of the Revised Code. Only the reasons for refusal 43254
contained in division (A) of section 4303.292 of the Revised Code 43255
and specified in the resolution of objection shall be considered 43256
at the hearing. 43257

The permit holder and the objecting legislative authority or 43258
board shall be parties to the proceedings under this section and 43259
shall have the right to be present, to be represented by counsel, 43260
to offer evidence, to require the attendance of witnesses, and to 43261
cross-examine witnesses at the hearing. 43262

(C) An application for renewal of a permit shall be filed 43263

with the division at least fifteen days prior to the expiration of 43264
an existing permit, and the existing permit shall continue in 43265
effect as provided in section 119.06 of the Revised Code until the 43266
application is approved or rejected by the division. Any holder of 43267
a permit, which has expired through failure to be renewed as 43268
provided in this section, shall obtain a renewal of the permit, 43269
upon filing an application for renewal with the division, at any 43270
time within thirty days from the date of the expired permit. A 43271
penalty of ten per cent of the permit fee shall be paid by the 43272
permit holder if the application for renewal is not filed at least 43273
fifteen days prior to the expiration of the permit. 43274

(D)(1) Annually, the tax commissioner shall ~~cause~~ examine the 43275
department of taxation's records for the horse-racing, alcoholic 43276
beverage, motor fuel, petroleum activity, sales or use, cigarette, 43277
other tobacco products, employer withholding, commercial activity, 43278
and gross casino revenue tax ~~records in the department of taxation~~ 43279
and gross receipts taxes levied pursuant to section 5739.101 of 43280
the Revised Code for each holder of a permit issued under sections 43281
4303.02 to 4303.232 of the Revised Code ~~to be examined~~ to 43282
determine if the permit holder is delinquent in filing any 43283
returns, submitting any information required by the commissioner, 43284
or remitting any payments with respect to those taxes or any fees, 43285
charges, penalties, or interest related to those taxes. 43286

If any delinquency or liability exists, the commissioner 43288
shall send a notice of that fact by certified mail, return receipt 43289
requested, to the permit holder at the mailing address shown in 43290
the records of the department. The notice shall specify, in as 43291
much detail as is possible, the periods for which returns have not 43292
been filed and the nature and amount of unpaid assessments and 43293
other liabilities and shall be sent on or before the first day of 43294
the third month preceding the month in which the permit expires. 43295

The commissioner also shall notify the division of liquor control 43296
of the delinquency or liability, identifying the permit holder by 43297
name and permit number. 43298

(2)(a) Except as provided in division (D)(4) of this section, 43299
the division of liquor control shall not renew the permit of any 43300
permit holder the tax commissioner has identified as being 43301
delinquent in filing any returns, providing any information, or 43302
remitting any payments with respect to the taxes listed in 43303
division (D)(1) of this section as of the first day of the sixth 43304
month preceding the month in which the permit expires, or of any 43305
permit holder the commissioner has identified as having been 43306
assessed by the department on or before the first day of the third 43307
month preceding the month in which the permit expires, until the 43308
division is notified by the commissioner that the delinquency, 43309
liability, or assessment has been resolved. 43310

(b)(i) Within ninety days after the date on which the permit 43311
expires, any permit holder whose permit is not renewed under this 43312
division may file an appeal with the liquor control commission. 43313
The commission shall notify the tax commissioner regarding the 43314
filing of any such appeal. During the period in which the appeal 43315
is pending, the permit shall not be renewed by the division. The 43316
permit shall be reinstated if the permit holder and the 43317
commissioner or the attorney general demonstrate to the liquor 43318
control commission that the commissioner's notification of a 43319
delinquency or assessment was in error or that the issue of the 43320
delinquency or assessment has been resolved. 43321

(ii) A permit holder who has filed an appeal under division 43322
(D)(2)(b)(i) of this section may file a motion to withdraw the 43323
appeal. The division of liquor control may renew a permit holder's 43324
permit if the permit holder has withdrawn such an appeal and the 43325
division receives written certification from the tax commissioner 43326
that the permit holder's delinquency or assessment has been 43327

resolved. 43328

(3) A permit holder notified of delinquency or liability 43329
under this section may protest the notification to the tax 43330
commissioner on the basis that no return or information is 43331
delinquent and no tax, fee, charge, penalty, or interest is 43332
outstanding. The commissioner shall expeditiously consider any 43333
evidence submitted by the permit holder and, if it is determined 43334
that the notification was in error, immediately shall inform the 43335
division of liquor control that the renewal application may be 43336
granted. The renewal shall not be denied if the delinquency or 43337
unreported liability is the subject of a bona fide dispute as to 43338
the validity of the delinquency or unreported liability and is the 43339
subject of an assessment and of an appeal properly filed by the 43340
permit holder. 43341

(4) If the commissioner concludes that under the 43342
circumstances the permit holder's delinquency or liability has 43343
been conditionally resolved, the commissioner shall allow the 43344
permit to be renewed, conditioned upon the permit holder's 43345
continuing performance in satisfying the delinquency and 43346
liability. The conditional nature of the renewal shall be 43347
specified in the notification given to the division of liquor 43348
control under division (D)(1) of this section. Upon receipt of 43349
notice of the resolution, the division shall issue a conditional 43350
renewal. If the taxpayer defaults on any agreement to pay the 43351
delinquency or liability or fails to keep subsequent tax or fee 43352
payments current, the liquor control commission, upon request and 43353
proof of the default or failure to keep subsequent tax or fee 43354
payments current, shall indefinitely suspend the permit holder's 43355
permit until all taxes or fees and interest due are paid. 43356

(5) The commissioner may adopt rules to assist in 43357
administering the duties imposed by this section. 43358

Sec. 4503.066. (A)(1) To obtain a tax reduction under section 43359
4503.065 of the Revised Code, the owner of the home shall file an 43360
application with the county auditor of the county in which the 43361
home is located. An application for reduction in taxes based upon 43362
a physical disability shall be accompanied by a certificate signed 43363
by a physician, and an application for reduction in taxes based 43364
upon a mental disability shall be accompanied by a certificate 43365
signed by a physician or psychologist licensed to practice in this 43366
state. The certificate shall attest to the fact that the applicant 43367
is permanently and totally disabled, shall be in a form that the 43368
department of taxation requires, and shall include the definition 43369
of totally and permanently disabled as set forth in section 43370
4503.064 of the Revised Code. An application for reduction in 43371
taxes based upon a disability certified as permanent and total by 43372
a state or federal agency having the function of so classifying 43373
persons shall be accompanied by a certificate from that agency. 43374

An application by a disabled veteran for the reduction under 43375
division (B) of section 4503.065 of the Revised Code shall be 43376
accompanied by a letter or other written confirmation from the 43377
United States department of veterans affairs, or its predecessor 43378
or successor agency, showing that the veteran qualifies as a 43379
disabled veteran. 43380

An application by the surviving spouse of a public service 43381
officer killed in the line of duty for the reduction under 43382
division (C) of section 4503.065 of the Revised Code shall be 43383
accompanied by a letter or other written confirmation from an 43384
officer or employee of the board of trustees of a retirement or 43385
pension fund in this state or another state or from the chief or 43386
other chief executive of the department, agency, or other employer 43387
for which the public service officer served when killed in the 43388
line of duty affirming that the public service officer was killed 43389
in the line of duty. 43390

(2) Each application shall constitute a continuing application for a reduction in taxes for each year in which the manufactured or mobile home is occupied by the applicant. Failure to receive a new application or notification under division (B) of this section after an application for reduction has been approved is prima-facie evidence that the original applicant is entitled to the reduction calculated on the basis of the information contained in the original application. The original application and any subsequent application shall be in the form of a signed statement and shall be filed on or before the thirty-first day of December of the year preceding the year for which the reduction is sought. The statement shall be on a form, devised and supplied by the tax commissioner, that shall require no more information than is necessary to establish the applicant's eligibility for the reduction in taxes and the amount of the reduction to which the applicant is entitled. The form shall contain a statement that signing such application constitutes a delegation of authority by the applicant to the tax commissioner or the county auditor, individually or in consultation with each other, to examine any tax or financial records that relate to the income of the applicant as stated on the application for the purpose of determining eligibility under, or possible violation of, division (C) or (D) of this section. The form also shall contain a statement that conviction of willfully falsifying information to obtain a reduction in taxes or failing to comply with division (B) of this section shall result in the revocation of the right to the reduction for a period of three years.

(3) A late application for a reduction in taxes for the year preceding the year for which an original application is filed may be filed with an original application. If the auditor determines that the information contained in the late application is correct, the auditor shall determine both the amount of the reduction in taxes to which the applicant would have been entitled for the

current tax year had the application been timely filed and 43424
approved in the preceding year, and the amount the taxes levied 43425
under section 4503.06 of the Revised Code for the current year 43426
would have been reduced as a result of the reduction. When an 43427
applicant is permanently and totally disabled on the first day of 43428
January of the year in which the applicant files a late 43429
application, the auditor, in making the determination of the 43430
amounts of the reduction in taxes under division (A)(3) of this 43431
section, is not required to determine that the applicant was 43432
permanently and totally disabled on the first day of January of 43433
the preceding year. 43434

The amount of the reduction in taxes pursuant to a late 43435
application shall be treated as an overpayment of taxes by the 43436
applicant. The auditor shall credit the amount of the overpayment 43437
against the amount of the taxes or penalties then due from the 43438
applicant, and, at the next succeeding settlement, the amount of 43439
the credit shall be deducted from the amount of any taxes or 43440
penalties distributable to the county or any taxing unit in the 43441
county that has received the benefit of the taxes or penalties 43442
previously overpaid, in proportion to the benefits previously 43443
received. If, after the credit has been made, there remains a 43444
balance of the overpayment, or if there are no taxes or penalties 43445
due from the applicant, the auditor shall refund that balance to 43446
the applicant by a warrant drawn on the county treasurer in favor 43447
of the applicant. The treasurer shall pay the warrant from the 43448
general fund of the county. If there is insufficient money in the 43449
general fund to make the payment, the treasurer shall pay the 43450
warrant out of any undivided manufactured or mobile home taxes 43451
subsequently received by the treasurer for distribution to the 43452
county or taxing district in the county that received the benefit 43453
of the overpaid taxes, in proportion to the benefits previously 43454
received, and the amount paid from the undivided funds shall be 43455
deducted from the money otherwise distributable to the county or 43456

taxing district in the county at the next or any succeeding 43457
distribution. At the next or any succeeding distribution after 43458
making the refund, the treasurer shall reimburse the general fund 43459
for any payment made from that fund by deducting the amount of 43460
that payment from the money distributable to the county or other 43461
taxing unit in the county that has received the benefit of the 43462
taxes, in proportion to the benefits previously received. On the 43463
second Monday in September of each year, the county auditor shall 43464
certify the total amount of the reductions in taxes made in the 43465
current year under division (A)(3) of this section to the tax 43466
commissioner who shall treat that amount as a reduction in taxes 43467
for the current tax year and shall make reimbursement to the 43468
county of that amount in the manner prescribed in section 4503.068 43469
of the Revised Code, from moneys appropriated for that purpose. 43470

~~(B)(B)(1)~~ If in any year for which an application for 43471
reduction in taxes has been approved the owner no longer qualifies 43472
for the reduction, the owner shall notify the county auditor that 43473
the owner is not qualified for a reduction in taxes. 43474

(2) If the county auditor or county treasurer discovers that 43475
an owner not entitled to the reduction in manufactured home taxes 43476
under section 4503.065 of the Revised Code failed to notify the 43477
county auditor as required by division (B)(1) of this section, a 43478
charge shall be imposed against the manufactured or mobile home in 43479
the amount by which taxes were reduced under that section for each 43480
tax year the county auditor ascertains that the manufactured or 43481
mobile home was not entitled to the reduction and was owned by the 43482
current owner. Interest shall accrue in the manner prescribed by 43483
division (G)(2) of section 4503.06 of the Revised Code on the 43484
amount by which taxes were reduced for each such tax year as if 43485
the reduction became delinquent taxes at the close of the last day 43486
the second installment of taxes for that tax year could be paid 43487
without penalty. The county auditor shall notify the owner, by 43488

ordinary mail, of the charge, of the owner's right to appeal the 43489
charge, and of the manner in which the owner may appeal. The owner 43490
may appeal the imposition of the charge and interest by filing an 43491
appeal with the county board of revision not later than the last 43492
day prescribed for payment of manufactured home taxes under 43493
section 4503.06 of the Revised Code following receipt of the 43494
notice and occurring at least ninety days after receipt of the 43495
notice. The appeal shall be treated in the same manner as a 43496
complaint relating to the valuation or assessment of manufactured 43497
or mobile homes under section 5715.19 of the Revised Code. The 43498
charge and any interest shall be collected as other delinquent 43499
taxes. 43500

(3) During January of each year, the county auditor shall 43501
furnish each person whose application for reduction has been 43502
approved, by ordinary mail, a form on which to report any changes 43503
in total income, ownership, occupancy, disability, and other 43504
information earlier furnished the auditor relative to the 43505
application. The form shall be completed and returned to the 43506
auditor not later than the thirty-first day of December if the 43507
changes would affect the person's eligibility for the reduction. 43508

(C) No person shall knowingly make a false statement for the 43509
purpose of obtaining a reduction in taxes under section 4503.065 43510
of the Revised Code. 43511

(D) No person shall knowingly fail to notify the county 43512
auditor of any change required by division (B) of this section 43513
that has the effect of maintaining or securing a reduction in 43514
taxes under section 4503.065 of the Revised Code. 43515

(E) No person shall knowingly make a false statement or 43516
certification attesting to any person's physical or mental 43517
condition for purposes of qualifying such person for tax relief 43518
pursuant to sections 4503.064 to 4503.069 of the Revised Code. 43519

(F) Whoever violates division (C), (D), or (E) of this section is guilty of a misdemeanor of the fourth degree.

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Sec. 4505.09. (A)(1) The clerk of a court of common pleas shall charge and retain fees as follows:

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(a) Five dollars for each certificate of title that is not applied for within thirty days after the later of the assignment or delivery of the motor vehicle described in it. The entire fee shall be retained by the clerk.

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(b) Fifteen dollars for each certificate of title or duplicate certificate of title including the issuance of a memorandum certificate of title, or authorization to print a non-negotiable evidence of ownership described in division (G) of section 4505.08 of the Revised Code, non-negotiable evidence of ownership printed by the clerk under division (H) of that section, and notation of any lien on a certificate of title that is applied for at the same time as the certificate of title. The clerk shall retain eleven dollars and fifty cents of that fee for each certificate of title when there is a notation of a lien or security interest on the certificate of title, twelve dollars and twenty-five cents when there is no lien or security interest noted on the certificate of title, and eleven dollars and fifty cents for each duplicate certificate of title.

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(c) Four dollars and fifty cents for each certificate of title with no security interest noted that is issued to a licensed motor vehicle dealer for resale purposes and, in addition, a separate fee of fifty cents. The clerk shall retain two dollars and twenty-five cents of that fee.

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(d) Five dollars for each memorandum certificate of title or non-negotiable evidence of ownership that is applied for separately. The clerk shall retain that entire fee.

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(2) The fees that are not retained by the clerk shall be paid 43550
to the registrar of motor vehicles by monthly returns, which shall 43551
be forwarded to the registrar not later than the fifth day of the 43552
month next succeeding that in which the certificate is issued or 43553
that in which the registrar is notified of a lien or cancellation 43554
of a lien. 43555

(B)(1) The registrar shall pay twenty-five cents of the 43556
amount received for each certificate of title issued to a motor 43557
vehicle dealer for resale, one dollar for certificates of title 43558
issued with a lien or security interest noted on the certificate 43559
of title, and twenty-five cents for each certificate of title with 43560
no lien or security interest noted on the certificate of title 43561
into the public safety - highway purposes fund established in 43562
section 4501.06 of the Revised Code. 43563

(2) Fifty cents of the amount received for each certificate 43564
of title shall be paid by the registrar as follows: 43565

(a) Four cents shall be paid into the state treasury to the 43566
credit of the motor vehicle dealers board fund, which is hereby 43567
created. All investment earnings of the fund shall be credited to 43568
the fund. The moneys in the motor vehicle dealers board fund shall 43569
be used by the motor vehicle dealers board created under section 43570
4517.30 of the Revised Code, together with other moneys 43571
appropriated to it, in the exercise of its powers and the 43572
performance of its duties under Chapter 4517. of the Revised Code, 43573
except that the director of budget and management may transfer 43574
excess money from the motor vehicle dealers board fund to the 43575
public safety - highway purposes fund if the registrar determines 43576
that the amount of money in the motor vehicle dealers board fund, 43577
together with other moneys appropriated to the board, exceeds the 43578
amount required for the exercise of its powers and the performance 43579
of its duties under Chapter 4517. of the Revised Code and requests 43580
the director to make the transfer. 43581

(b) ~~Twenty-one~~ Thirty-one cents shall be paid into the 43582
highway operating fund created by section 5735.051 of the Revised 43583
Code. 43584

(c) ~~Twenty-five~~ Fifteen cents shall be paid into the state 43585
treasury to the credit of the motor vehicle sales audit fund, 43586
which is hereby created. The moneys in the fund shall be used by 43587
the tax commissioner together with other funds available to the 43588
commissioner to conduct a continuing investigation of sales and 43589
use tax returns filed for motor vehicles in order to determine if 43590
sales and use tax liability has been satisfied. The commissioner 43591
shall refer cases of apparent violations of section 2921.13 of the 43592
Revised Code made in connection with the titling or sale of a 43593
motor vehicle and cases of any other apparent violations of the 43594
sales or use tax law to the appropriate county prosecutor whenever 43595
the commissioner considers it advisable. 43596

(3) Two dollars of the amount received by the registrar under 43597
divisions (A)(1)(a), (b), and (d) of this section and one dollar 43598
and fifty cents of the amount received by the registrar under 43599
division (A)(1)(c) of this section for each certificate of title 43600
shall be paid into the state treasury to the credit of the 43601
automated title processing fund, which is hereby created and which 43602
shall consist of moneys collected under division (B)(3) of this 43603
section and under sections 1548.10 and 4519.59 of the Revised 43604
Code. All investment earnings of the fund shall be credited to the 43605
fund. The moneys in the fund shall be used as follows: 43606

(a) Except for moneys collected under section 1548.10 of the 43607
Revised Code, moneys collected under division (B)(3) of this 43608
section shall be used to implement and maintain an automated title 43609
processing system for the issuance of motor vehicle, off-highway 43610
motorcycle, and all-purpose vehicle certificates of title in the 43611
offices of the clerks of the courts of common pleas. Those moneys 43612
also shall be used to pay expenses that arise as a result of 43613

enabling electronic motor vehicle dealers to directly transfer 43614
applications for certificates of title under division (A)(3) of 43615
section 4505.06 of the Revised Code. 43616

(b) Moneys collected under section 1548.10 of the Revised 43617
Code shall be used to issue marine certificates of title in the 43618
offices of the clerks of the courts of common pleas as provided in 43619
Chapter 1548. of the Revised Code. 43620

(4) The registrar shall pay the fifty-cent separate fee 43622
collected from a licensed motor vehicle dealer under division 43623
(A)(1)(c) of this section into the title defect recision fund 43624
created by section 1345.52 of the Revised Code. 43625

(C)(1) The automated title processing board is hereby created 43626
consisting of the registrar or the registrar's representative, a 43627
person selected by the registrar, the president of the Ohio clerks 43628
of court association or the president's representative, and two 43629
clerks of courts of common pleas appointed by the governor. The 43630
director of budget and management or the director's designee, the 43631
chief of the division of parks and watercraft in the department of 43632
natural resources or the chief's designee, and the tax 43633
commissioner or the commissioner's designee shall be nonvoting 43634
members of the board. The purpose of the board is to facilitate 43635
the operation and maintenance of an automated title processing 43636
system and approve the procurement of automated title processing 43637
system equipment and ribbons, cartridges, or other devices 43638
necessary for the operation of that equipment. Voting members of 43639
the board, excluding the registrar or the registrar's 43640
representative, shall serve without compensation, but shall be 43641
reimbursed for travel and other necessary expenses incurred in the 43642
conduct of their official duties. The registrar or the registrar's 43643
representative shall receive neither compensation nor 43644
reimbursement as a board member. 43645

(2) The automated title processing board shall determine each 43646
of the following: 43647

(a) The automated title processing equipment and certificates 43648
of title requirements for each county; 43649

(b) The payment of expenses that may be incurred by the 43650
counties in implementing an automated title processing system; 43651

(c) The repayment to the counties for existing title 43652
processing equipment; 43653

(d) With the approval of the director of public safety, the 43654
award of grants from the automated title processing fund to the 43655
clerk of courts of any county who employs a person who assists 43656
with the design of, updates to, tests of, installation of, or any 43657
other activity related to, an automated title processing system. 43658
Any grant awarded under division (C)(2)(d) of this section shall 43659
be deposited into the appropriate county certificate of title 43660
administration fund created under section 325.33 of the Revised 43661
Code and shall not be used to supplant any other funds. 43662

(3) The registrar shall purchase, lease, or otherwise acquire 43663
any automated title processing equipment and certificates of title 43664
that the board determines are necessary from moneys in the 43665
automated title processing fund established by division (B)(3) of 43666
this section. 43667

(D) All counties shall conform to the requirements of the 43668
registrar regarding the operation of their automated title 43669
processing system for motor vehicle titles, certificates of title 43670
for off-highway motorcycles and all-purpose vehicles, and 43671
certificates of title for watercraft and outboard motors. 43672

Sec. 4511.191. (A)(1) As used in this section: 43673

(a) "Physical control" has the same meaning as in section 43674
4511.194 of the Revised Code. 43675

(b) "Alcohol monitoring device" means any device that 43676
provides for continuous alcohol monitoring, any ignition interlock 43677
device, any immobilizing or disabling device other than an 43678
ignition interlock device that is constantly available to monitor 43679
the concentration of alcohol in a person's system, or any other 43680
device that provides for the automatic testing and periodic 43681
reporting of alcohol consumption by a person and that a court 43682
orders a person to use as a sanction imposed as a result of the 43683
person's conviction of or plea of guilty to an offense. 43684

(c) "Community addiction services provider" has the same 43685
meaning as in section 5119.01 of the Revised Code. 43686

(2) Any person who operates a vehicle, streetcar, or 43687
trackless trolley upon a highway or any public or private property 43688
used by the public for vehicular travel or parking within this 43689
state or who is in physical control of a vehicle, streetcar, or 43690
trackless trolley shall be deemed to have given consent to a 43691
chemical test or tests of the person's whole blood, blood serum or 43692
plasma, breath, or urine to determine the alcohol, drug of abuse, 43693
controlled substance, metabolite of a controlled substance, or 43694
combination content of the person's whole blood, blood serum or 43695
plasma, breath, or urine if arrested for a violation of division 43696
(A) or (B) of section 4511.19 of the Revised Code, section 43697
4511.194 of the Revised Code or a substantially equivalent 43698
municipal ordinance, or a municipal OVI ordinance. 43699

(3) The chemical test or tests under division (A)(2) of this 43700
section shall be administered at the request of a law enforcement 43701
officer having reasonable grounds to believe the person was 43702
operating or in physical control of a vehicle, streetcar, or 43703
trackless trolley in violation of a division, section, or 43704
ordinance identified in division (A)(2) of this section. The law 43705
enforcement agency by which the officer is employed shall 43706
designate which of the tests shall be administered. 43707

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

(b) If a person refuses to submit to a chemical test upon a request made pursuant to division (A)(5)(a) of this section, the law enforcement officer who made the request may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. A law enforcement officer who acts pursuant to this division to ensure that a person submits to a chemical test of the person's whole blood or blood serum or plasma is immune from criminal and civil liability based upon a claim for assault and battery or any other claim for the acts, unless the officer so acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar of motor vehicles and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of

the Revised Code. 43772

(b) If the arrested person, within ten years of the date on 43773
which the person refused the request to consent to the chemical 43774
test, had refused one previous request to consent to a chemical 43775
test or had been convicted of or pleaded guilty to one violation 43776
of division (A) or (B) of section 4511.19 of the Revised Code or 43777
one other equivalent offense, the suspension shall be a class B 43778
suspension imposed for the period of time specified in division 43779
(B)(2) of section 4510.02 of the Revised Code. 43780

(c) If the arrested person, within ten years of the date on 43781
which the person refused the request to consent to the chemical 43782
test, had refused two previous requests to consent to a chemical 43783
test, had been convicted of or pleaded guilty to two violations of 43784
division (A) or (B) of section 4511.19 of the Revised Code or 43785
other equivalent offenses, or had refused one previous request to 43786
consent to a chemical test and also had been convicted of or 43787
pleaded guilty to one violation of division (A) or (B) of section 43788
4511.19 of the Revised Code or other equivalent offenses, which 43789
violation or offense arose from an incident other than the 43790
incident that led to the refusal, the suspension shall be a class 43791
A suspension imposed for the period of time specified in division 43792
(B)(1) of section 4510.02 of the Revised Code. 43793

(d) If the arrested person, within ten years of the date on 43794
which the person refused the request to consent to the chemical 43795
test, had refused three or more previous requests to consent to a 43796
chemical test, had been convicted of or pleaded guilty to three or 43797
more violations of division (A) or (B) of section 4511.19 of the 43798
Revised Code or other equivalent offenses, or had refused a number 43799
of previous requests to consent to a chemical test and also had 43800
been convicted of or pleaded guilty to a number of violations of 43801
division (A) or (B) of section 4511.19 of the Revised Code or 43802
other equivalent offenses that cumulatively total three or more 43803

such refusals, convictions, and guilty pleas, the suspension shall 43804
be for five years. 43805

(2) The registrar shall terminate a suspension of the 43806
driver's or commercial driver's license or permit of a resident or 43807
of the operating privilege of a nonresident, or a denial of a 43808
driver's or commercial driver's license or permit, imposed 43809
pursuant to division (B)(1) of this section upon receipt of notice 43810
that the person has entered a plea of guilty to, or that the 43811
person has been convicted after entering a plea of no contest to, 43812
operating a vehicle in violation of section 4511.19 of the Revised 43813
Code or in violation of a municipal OVI ordinance, if the offense 43814
for which the conviction is had or the plea is entered arose from 43815
the same incident that led to the suspension or denial. 43816

The registrar shall credit against any judicial suspension of 43817
a person's driver's or commercial driver's license or permit or 43818
nonresident operating privilege imposed pursuant to section 43819
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 43820
Revised Code for a violation of a municipal OVI ordinance, any 43821
time during which the person serves a related suspension imposed 43822
pursuant to division (B)(1) of this section. 43823

(C)(1) Upon receipt of the sworn report of the law 43824
enforcement officer who arrested a person for a violation of 43825
division (A) or (B) of section 4511.19 of the Revised Code or a 43826
municipal OVI ordinance that was completed and sent to the 43827
registrar and a court pursuant to section 4511.192 of the Revised 43828
Code in regard to a person whose test results indicate that the 43829
person's whole blood, blood serum or plasma, breath, or urine 43830
contained at least the concentration of alcohol specified in 43831
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 43832
Revised Code or at least the concentration of a listed controlled 43833
substance or a listed metabolite of a controlled substance 43834
specified in division (A)(1)(j) of section 4511.19 of the Revised 43835

Code, the registrar shall enter into the registrar's records the 43836
fact that the person's driver's or commercial driver's license or 43837
permit or nonresident operating privilege was suspended by the 43838
arresting officer under this division and section 4511.192 of the 43839
Revised Code and the period of the suspension, as determined under 43840
divisions (C)(1)(a) to (d) of this section. The suspension shall 43841
be subject to appeal as provided in section 4511.197 of the 43842
Revised Code. The suspension described in this division does not 43843
apply to, and shall not be imposed upon, a person arrested for a 43844
violation of section 4511.194 of the Revised Code or a 43845
substantially equivalent municipal ordinance who submits to a 43846
designated chemical test. The suspension shall be for whichever of 43847
the following periods applies: 43848

(a) Except when division (C)(1)(b), (c), or (d) of this 43849
section applies and specifies a different period, the suspension 43850
shall be a class E suspension imposed for the period of time 43851
specified in division (B)(5) of section 4510.02 of the Revised 43852
Code. 43853

(b) The suspension shall be a class C suspension for the 43854
period of time specified in division (B)(3) of section 4510.02 of 43855
the Revised Code if the person has been convicted of or pleaded 43856
guilty to, within ten years of the date the test was conducted, 43857
one violation of division (A) or (B) of section 4511.19 of the 43858
Revised Code or one other equivalent offense. 43859

(c) If, within ten years of the date the test was conducted, 43860
the person has been convicted of or pleaded guilty to two 43861
violations of a statute or ordinance described in division 43862
(C)(1)(b) of this section, the suspension shall be a class B 43863
suspension imposed for the period of time specified in division 43864
(B)(2) of section 4510.02 of the Revised Code. 43865

(d) If, within ten years of the date the test was conducted, 43866
the person has been convicted of or pleaded guilty to more than 43867

two violations of a statute or ordinance described in division 43868
(C)(1)(b) of this section, the suspension shall be a class A 43869
suspension imposed for the period of time specified in division 43870
(B)(1) of section 4510.02 of the Revised Code. 43871

(2) The registrar shall terminate a suspension of the 43872
driver's or commercial driver's license or permit of a resident or 43873
of the operating privilege of a nonresident, or a denial of a 43874
driver's or commercial driver's license or permit, imposed 43875
pursuant to division (C)(1) of this section upon receipt of notice 43876
that the person has entered a plea of guilty to, or that the 43877
person has been convicted after entering a plea of no contest to, 43878
operating a vehicle in violation of section 4511.19 of the Revised 43879
Code or in violation of a municipal OVI ordinance, if the offense 43880
for which the conviction is had or the plea is entered arose from 43881
the same incident that led to the suspension or denial. 43882

The registrar shall credit against any judicial suspension of 43883
a person's driver's or commercial driver's license or permit or 43884
nonresident operating privilege imposed pursuant to section 43885
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 43886
Revised Code for a violation of a municipal OVI ordinance, any 43887
time during which the person serves a related suspension imposed 43888
pursuant to division (C)(1) of this section. 43889

(D)(1) A suspension of a person's driver's or commercial 43890
driver's license or permit or nonresident operating privilege 43891
under this section for the time described in division (B) or (C) 43892
of this section is effective immediately from the time at which 43893
the arresting officer serves the notice of suspension upon the 43894
arrested person. Any subsequent finding that the person is not 43895
guilty of the charge that resulted in the person being requested 43896
to take the chemical test or tests under division (A) of this 43897
section does not affect the suspension. 43898

(2) If a person is arrested for operating a vehicle, 43899

streetcar, or trackless trolley in violation of division (A) or 43900
(B) of section 4511.19 of the Revised Code or a municipal OVI 43901
ordinance, or for being in physical control of a vehicle, 43902
streetcar, or trackless trolley in violation of section 4511.194 43903
of the Revised Code or a substantially equivalent municipal 43904
ordinance, regardless of whether the person's driver's or 43905
commercial driver's license or permit or nonresident operating 43906
privilege is or is not suspended under division (B) or (C) of this 43907
section or Chapter 4510. of the Revised Code, the person's initial 43908
appearance on the charge resulting from the arrest shall be held 43909
within five days of the person's arrest or the issuance of the 43910
citation to the person, subject to any continuance granted by the 43911
court pursuant to section 4511.197 of the Revised Code regarding 43912
the issues specified in that division. 43913

(E) When it finally has been determined under the procedures 43914
of this section and sections 4511.192 to 4511.197 of the Revised 43915
Code that a nonresident's privilege to operate a vehicle within 43916
this state has been suspended, the registrar shall give 43917
information in writing of the action taken to the motor vehicle 43918
administrator of the state of the person's residence and of any 43919
state in which the person has a license. 43920

(F) At the end of a suspension period under this section, 43921
under section 4511.194, section 4511.196, or division (G) of 43922
section 4511.19 of the Revised Code, or under section 4510.07 of 43923
the Revised Code for a violation of a municipal OVI ordinance and 43924
upon the request of the person whose driver's or commercial 43925
driver's license or permit was suspended and who is not otherwise 43926
subject to suspension, cancellation, or disqualification, the 43927
registrar shall return the driver's or commercial driver's license 43928
or permit to the person upon the occurrence of all of the 43929
conditions specified in divisions (F)(1) and (2) of this section: 43930

(1) A showing that the person has proof of financial 43931

responsibility, a policy of liability insurance in effect that 43932
meets the minimum standards set forth in section 4509.51 of the 43933
Revised Code, or proof, to the satisfaction of the registrar, that 43934
the person is able to respond in damages in an amount at least 43935
equal to the minimum amounts specified in section 4509.51 of the 43936
Revised Code. 43937

(2) Subject to the limitation contained in division (F)(3) of 43938
this section, payment by the person to the registrar or an 43939
eligible deputy registrar of a license reinstatement fee of four 43940
hundred seventy-five dollars, which fee shall be deposited in the 43941
state treasury and credited as follows: 43942

(a) One hundred twelve dollars and fifty cents shall be 43943
credited to the statewide treatment and prevention fund created by 43944
section 4301.30 of the Revised Code. Money credited to the fund 43945
under this section shall be used for purposes identified under 43946
section 5119.22 of the Revised Code. 43947

(b) Seventy-five dollars shall be credited to the reparations 43948
fund created by section 2743.191 of the Revised Code. 43949

(c) Thirty-seven dollars and fifty cents shall be credited to 43950
the indigent drivers alcohol treatment fund, which is hereby 43951
established in the state treasury. The department of mental health 43952
and addiction services shall distribute the moneys in that fund to 43953
the county indigent drivers alcohol treatment funds, the county 43954
juvenile indigent drivers alcohol treatment funds, and the 43955
municipal indigent drivers alcohol treatment funds that are 43956
required to be established by counties and municipal corporations 43957
pursuant to division (H) of this section to be used only as 43958
provided in division (H)(3) of this section. Moneys in the fund 43959
that are not distributed to a county indigent drivers alcohol 43960
treatment fund, a county juvenile indigent drivers alcohol 43961
treatment fund, or a municipal indigent drivers alcohol treatment 43962
fund under division (H) of this section because the director of 43963

mental health and addiction services does not have the information 43964
necessary to identify the county or municipal corporation where 43965
the offender or juvenile offender was arrested may be transferred 43966
by the director of budget and management to the statewide 43967
treatment and prevention fund created by section 4301.30 of the 43968
Revised Code, upon certification of the amount by the director of 43969
mental health and addiction services. 43970

(d) Seventy-five dollars shall be credited to the 43971
opportunities for Ohioans with disabilities agency established by 43972
section 3304.15 of the Revised Code, to the services for 43973
rehabilitation fund, which is hereby established. The fund shall 43974
be used to match available federal matching funds where 43975
appropriate, and for any other purpose or program of the agency to 43976
rehabilitate persons with disabilities to help them become 43977
employed and independent. 43978

(e) Seventy-five dollars shall be deposited into the state 43979
treasury and credited to the drug abuse resistance education 43980
programs fund, which is hereby established, to be used by the 43981
attorney general for the purposes specified in division (F)(4) of 43982
this section. 43983

(f) Thirty dollars shall be credited to the public safety - 43984
highway purposes fund created by section 4501.06 of the Revised 43985
Code. 43986

(g) Twenty dollars shall be credited to the trauma and 43987
emergency medical services fund created by section 4513.263 of the 43988
Revised Code. 43989

(h) Fifty dollars shall be credited to the indigent drivers 43990
interlock and alcohol monitoring fund, which is hereby established 43991
in the state treasury. Moneys in the fund shall be distributed by 43992
the department of public safety to the county indigent drivers 43993
interlock and alcohol monitoring funds, the county juvenile 43994

indigent drivers interlock and alcohol monitoring funds, and the 43995
municipal indigent drivers interlock and alcohol monitoring funds 43996
that are required to be established by counties and municipal 43997
corporations pursuant to this section, and shall be used only to 43998
pay the cost of an immobilizing or disabling device, including a 43999
certified ignition interlock device, or an alcohol monitoring 44000
device used by an offender or juvenile offender who is ordered to 44001
use the device by a county, juvenile, or municipal court judge and 44002
who is determined by the county, juvenile, or municipal court 44003
judge not to have the means to pay for the person's use of the 44004
device. 44005

(3) If a person's driver's or commercial driver's license or 44006
permit is suspended under this section, under section 4511.196 or 44007
division (G) of section 4511.19 of the Revised Code, under section 44008
4510.07 of the Revised Code for a violation of a municipal OVI 44009
ordinance or under any combination of the suspensions described in 44010
division (F)(3) of this section, and if the suspensions arise from 44011
a single incident or a single set of facts and circumstances, the 44012
person is liable for payment of, and shall be required to pay to 44013
the registrar or an eligible deputy registrar, only one 44014
reinstatement fee of four hundred seventy-five dollars. The 44015
reinstatement fee shall be distributed by the bureau in accordance 44016
with division (F)(2) of this section. 44017

(4) The attorney general shall use amounts in the drug abuse 44018
resistance education programs fund to award grants to law 44019
enforcement agencies to establish and implement drug abuse 44020
resistance education programs in public schools. Grants awarded to 44021
a law enforcement agency under this section shall be used by the 44022
agency to pay for not more than fifty per cent of the amount of 44023
the salaries of law enforcement officers who conduct drug abuse 44024
resistance education programs in public schools. The attorney 44025
general shall not use more than six per cent of the amounts the 44026

attorney general's office receives under division (F)(2)(e) of 44027
this section to pay the costs it incurs in administering the grant 44028
program established by division (F)(2)(e) of this section and in 44029
providing training and materials relating to drug abuse resistance 44030
education programs. 44031

The attorney general shall report to the governor and the 44032
general assembly each fiscal year on the progress made in 44033
establishing and implementing drug abuse resistance education 44034
programs. These reports shall include an evaluation of the 44035
effectiveness of these programs. 44036

(5) In addition to the reinstatement fee under this section, 44037
if the person pays the reinstatement fee to a deputy registrar, 44038
the deputy registrar shall collect a service fee of ten dollars to 44039
compensate the deputy registrar for services performed under this 44040
section. The deputy registrar shall retain eight dollars of the 44041
service fee and shall transmit the reinstatement fee, plus two 44042
dollars of the service fee, to the registrar in the manner the 44043
registrar shall determine. 44044

(G) Suspension of a commercial driver's license under 44045
division (B) or (C) of this section shall be concurrent with any 44046
period of disqualification under section 3123.611 or 4506.16 of 44047
the Revised Code or any period of suspension under section 3123.58 44048
of the Revised Code. No person who is disqualified for life from 44049
holding a commercial driver's license under section 4506.16 of the 44050
Revised Code shall be issued a driver's license under Chapter 44051
4507. of the Revised Code during the period for which the 44052
commercial driver's license was suspended under division (B) or 44053
(C) of this section. No person whose commercial driver's license 44054
is suspended under division (B) or (C) of this section shall be 44055
issued a driver's license under Chapter 4507. of the Revised Code 44056
during the period of the suspension. 44057

(H)(1) Each county shall establish an indigent drivers 44058

alcohol treatment fund and a juvenile indigent drivers alcohol 44059
treatment fund. Each municipal corporation in which there is a 44060
municipal court shall establish an indigent drivers alcohol 44061
treatment fund. All revenue that the general assembly appropriates 44062
to the indigent drivers alcohol treatment fund for transfer to a 44063
county indigent drivers alcohol treatment fund, a county juvenile 44064
indigent drivers alcohol treatment fund, or a municipal indigent 44065
drivers alcohol treatment fund, all portions of fees that are paid 44066
under division (F) of this section and that are credited under 44067
that division to the indigent drivers alcohol treatment fund in 44068
the state treasury for a county indigent drivers alcohol treatment 44069
fund, a county juvenile indigent drivers alcohol treatment fund, 44070
or a municipal indigent drivers alcohol treatment fund, all 44071
portions of additional costs imposed under section 2949.094 of the 44072
Revised Code that are specified for deposit into a county, county 44073
juvenile, or municipal indigent drivers alcohol treatment fund by 44074
that section, and all portions of fines that are specified for 44075
deposit into a county or municipal indigent drivers alcohol 44076
treatment fund by section 4511.193 of the Revised Code shall be 44077
deposited into that county indigent drivers alcohol treatment 44078
fund, county juvenile indigent drivers alcohol treatment fund, or 44079
municipal indigent drivers alcohol treatment fund. The portions of 44080
the fees paid under division (F) of this section that are to be so 44081
deposited shall be determined in accordance with division (H)(2) 44082
of this section. Additionally, all portions of fines that are paid 44083
for a violation of section 4511.19 of the Revised Code or of any 44084
prohibition contained in Chapter 4510. of the Revised Code, and 44085
that are required under section 4511.19 or any provision of 44086
Chapter 4510. of the Revised Code to be deposited into a county 44087
indigent drivers alcohol treatment fund or municipal indigent 44088
drivers alcohol treatment fund shall be deposited into the 44089
appropriate fund in accordance with the applicable division of the 44090
section or provision. 44091

(2) That portion of the license reinstatement fee that is 44092
paid under division (F) of this section and that is credited under 44093
that division to the indigent drivers alcohol treatment fund shall 44094
be deposited into a county indigent drivers alcohol treatment 44095
fund, a county juvenile indigent drivers alcohol treatment fund, 44096
or a municipal indigent drivers alcohol treatment fund as follows: 44097

(a) Regarding a suspension imposed under this section, that 44098
portion of the fee shall be deposited as follows: 44099

(i) If the fee is paid by a person who was charged in a 44100
county court with the violation that resulted in the suspension or 44101
in the imposition of the court costs, the portion shall be 44102
deposited into the county indigent drivers alcohol treatment fund 44103
under the control of that court; 44104

(ii) If the fee is paid by a person who was charged in a 44105
juvenile court with the violation that resulted in the suspension 44106
or in the imposition of the court costs, the portion shall be 44107
deposited into the county juvenile indigent drivers alcohol 44108
treatment fund established in the county served by the court; 44109

(iii) If the fee is paid by a person who was charged in a 44110
municipal court with the violation that resulted in the suspension 44111
or in the imposition of the court costs, the portion shall be 44112
deposited into the municipal indigent drivers alcohol treatment 44113
fund under the control of that court. 44114

(b) Regarding a suspension imposed under section 4511.19 of 44115
the Revised Code or under section 4510.07 of the Revised Code for 44116
a violation of a municipal OVI ordinance, that portion of the fee 44117
shall be deposited as follows: 44118

(i) If the fee is paid by a person whose license or permit 44119
was suspended by a county court, the portion shall be deposited 44120
into the county indigent drivers alcohol treatment fund under the 44121
control of that court; 44122

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an 44154
assessment as provided under division (H)(3)(b)(i) of this section 44155
or addiction services as provided under division (H)(3)(b)(ii) of 44156
this section. 44157

The alcohol and drug addiction services board or the board of 44158
alcohol, drug addiction, and mental health services established 44159
pursuant to section 340.02 or 340.021 of the Revised Code and 44160
serving the alcohol, drug addiction, and mental health service 44161
district in which the court is located shall administer the 44162
indigent drivers alcohol treatment program of the court. When a 44163
court orders an offender or juvenile traffic offender to obtain an 44164
assessment or attend an alcohol and drug addiction treatment 44165
program, the board shall determine which program is suitable to 44166
meet the needs of the offender or juvenile traffic offender, and 44167
when a suitable program is located and space is available at the 44168
program, the offender or juvenile traffic offender shall attend 44169
the program designated by the board. A reasonable amount not to 44170
exceed five per cent of the amounts credited to and deposited into 44171
the county indigent drivers alcohol treatment fund, the county 44172
juvenile indigent drivers alcohol treatment fund, or the municipal 44173
indigent drivers alcohol treatment fund serving every court whose 44174
program is administered by that board shall be paid to the board 44175
to cover the costs it incurs in administering those indigent 44176
drivers alcohol treatment programs. 44177

(c) Upon exhaustion of moneys in the indigent drivers 44178
interlock and alcohol monitoring fund for the use of an alcohol 44179
monitoring device, a county, juvenile, or municipal court judge 44180
may use moneys in the county indigent drivers alcohol treatment 44181
fund, county juvenile indigent drivers alcohol treatment fund, or 44182
municipal indigent drivers alcohol treatment fund in either of the 44183
following manners: 44184

(i) If the source of the moneys was an appropriation of the 44185

general assembly, a portion of a fee that was paid under division 44186
(F) of this section, a portion of a fine that was specified for 44187
deposit into the fund by section 4511.193 of the Revised Code, or 44188
a portion of a fine that was paid for a violation of section 44189
4511.19 of the Revised Code or of a provision contained in Chapter 44190
4510. of the Revised Code that was required to be deposited into 44191
the fund, to pay for the continued use of an alcohol monitoring 44192
device by an offender or juvenile traffic offender, in conjunction 44193
with a treatment program approved by the department of mental 44194
health and addiction services, when such use is determined 44195
clinically necessary by the treatment program and when the court 44196
determines that the offender or juvenile traffic offender is 44197
unable to pay all or part of the daily monitoring or cost of the 44198
device; 44199

(ii) If the source of the moneys was a portion of an 44200
additional court cost imposed under section 2949.094 of the 44201
Revised Code, to pay for the continued use of an alcohol 44202
monitoring device by an offender or juvenile traffic offender when 44203
the court determines that the offender or juvenile traffic 44204
offender is unable to pay all or part of the daily monitoring or 44205
cost of the device. The moneys may be used for a device as 44206
described in this division if the use of the device is in 44207
conjunction with a treatment program approved by the department of 44208
mental health and addiction services, when the use of the device 44209
is determined clinically necessary by the treatment program, but 44210
the use of a device is not required to be in conjunction with a 44211
treatment program approved by the department in order for the 44212
moneys to be used for the device as described in this division. 44213

(4) If a county, juvenile, or municipal court determines, in 44214
consultation with the alcohol and drug addiction services board or 44215
the board of alcohol, drug addiction, and mental health services 44216
established pursuant to section 340.02 or 340.021 of the Revised 44217

Code and serving the alcohol, drug addiction, and mental health 44218
district in which the court is located, that the funds in the 44219
county indigent drivers alcohol treatment fund, the county 44220
juvenile indigent drivers alcohol treatment fund, or the municipal 44221
indigent drivers alcohol treatment fund under the control of the 44222
court are more than sufficient to satisfy the purpose for which 44223
the fund was established, as specified in divisions (H)(1) to (3) 44224
of this section, the court may declare a surplus in the fund. If 44225
the court declares a surplus in the fund, the court may take ~~any~~ 44226
one or more of the following actions with regard to the amount of 44227
the surplus in the fund: 44228

(a) Expend any of the surplus amount for alcohol and drug 44229
abuse assessment and treatment, and for the cost of transportation 44230
related to assessment and treatment, of persons who are charged in 44231
the court with committing a criminal offense or with being a 44232
delinquent child or juvenile traffic offender and in relation to 44233
whom both of the following apply: 44234

(i) The court determines that substance abuse was a 44235
contributing factor leading to the criminal or delinquent activity 44236
or the juvenile traffic offense with which the person is charged. 44237

(ii) The court determines that the person is unable to pay 44238
the cost of the alcohol and drug abuse assessment and treatment 44239
for which the surplus money will be used. 44240

(b) Expend any of the surplus amount to pay all or part of 44241
the cost of purchasing alcohol monitoring devices to be used in 44242
conjunction with division (H)(3)(c) of this section, upon 44243
exhaustion of moneys in the indigent drivers interlock and alcohol 44244
monitoring fund for the use of an alcohol monitoring device. 44245

(c) Transfer to another court in the same county any of the 44246
surplus amount to be utilized in a manner consistent with division 44247
(H)(3) of this section. If surplus funds are transferred to 44248

another court, the court that transfers the funds shall notify the 44249
alcohol and drug addiction services board or the board of alcohol, 44250
drug addiction, and mental health services that serves the 44251
alcohol, drug addiction, and mental health service district in 44252
which that court is located. 44253

(d) Transfer to the alcohol and drug addiction services board 44254
or the board of alcohol, drug addiction, and mental health 44255
services that serves the alcohol, drug addiction, and mental 44256
health service district in which the court is located any of the 44257
surplus amount to be utilized in a manner consistent with division 44258
(H)(3) of this section or for board contracted recovery support 44259
services. 44260

(e) Expend any of the surplus amount for the cost of 44261
staffing, equipment, training, drug testing, supplies, and other 44262
expenses of any specialized docket program established within the 44263
court and certified by the supreme court. 44264

(5) In order to determine if an offender does not have the 44265
means to pay for the offender's attendance at an alcohol and drug 44266
addiction treatment program for purposes of division (H)(3) of 44267
this section or if an alleged offender or delinquent child is 44268
unable to pay the costs specified in division (H)(4) of this 44269
section, the court shall use the indigent client eligibility 44270
guidelines and the standards of indigency established by the state 44271
public defender to make the determination. 44272

(6) The court shall identify and refer any community 44273
addiction services provider that intends to provide alcohol and 44274
drug addiction services and has not had its alcohol and drug 44275
addiction services certified under section 5119.36 of the Revised 44276
Code and that is interested in receiving amounts from the surplus 44277
in the fund declared under division (H)(4) of this section to the 44278
department of mental health and addiction services in order for 44279
the community addiction services provider to have its alcohol and 44280

drug addiction services certified by the department. The 44281
department shall keep a record of applicant referrals received 44282
pursuant to this division and shall submit a report on the 44283
referrals each year to the general assembly. If a community 44284
addiction services provider interested in having its alcohol and 44285
drug addiction services certified makes an application pursuant to 44286
section 5119.36 of the Revised Code, the community addiction 44287
services provider is eligible to receive surplus funds as long as 44288
the application is pending with the department. The department of 44289
mental health and addiction services must offer technical 44290
assistance to the applicant. If the interested community addiction 44291
services provider withdraws the certification application, the 44292
department must notify the court, and the court shall not provide 44293
the interested community addiction services provider with any 44294
further surplus funds. 44295

(7)(a) Each alcohol and drug addiction services board and 44296
board of alcohol, drug addiction, and mental health services 44297
established pursuant to section 340.02 or 340.021 of the Revised 44298
Code shall submit to the department of mental health and addiction 44299
services an annual report for each indigent drivers alcohol 44300
treatment fund in that board's area. 44301

(b) The report, which shall be submitted not later than sixty 44302
days after the end of the state fiscal year, shall provide the 44303
total payment that was made from the fund, including the number of 44304
indigent consumers that received treatment services and the number 44305
of indigent consumers that received an alcohol monitoring device. 44306
The report shall identify the treatment program and expenditure 44307
for an alcohol monitoring device for which that payment was made. 44308
The report shall include the fiscal year balance of each indigent 44309
drivers alcohol treatment fund located in that board's area. In 44310
the event that a surplus is declared in the fund pursuant to 44311
division (H)(4) of this section, the report also shall provide the 44312

total payment that was made from the surplus moneys and identify 44313
the authorized purpose for which that payment was made. 44314

(c) If a board is unable to obtain adequate information to 44315
develop the report to submit to the department for a particular 44316
indigent drivers alcohol treatment fund, the board shall submit a 44317
report detailing the effort made in obtaining the information. 44318

(I)(1) Each county shall establish an indigent drivers 44319
interlock and alcohol monitoring fund and a juvenile indigent 44320
drivers interlock and alcohol treatment fund. Each municipal 44321
corporation in which there is a municipal court shall establish an 44322
indigent drivers interlock and alcohol monitoring fund. All 44323
revenue that the general assembly appropriates to the indigent 44324
drivers interlock and alcohol monitoring fund for transfer to a 44325
county indigent drivers interlock and alcohol monitoring fund, a 44326
county juvenile indigent drivers interlock and alcohol monitoring 44327
fund, or a municipal indigent drivers interlock and alcohol 44328
monitoring fund, all portions of license reinstatement fees that 44329
are paid under division (F)(2) of this section and that are 44330
credited under that division to the indigent drivers interlock and 44331
alcohol monitoring fund in the state treasury, and all portions of 44332
fines that are paid under division (G) of section 4511.19 of the 44333
Revised Code and that are credited by division (G)(5)(e) of that 44334
section to the indigent drivers interlock and alcohol monitoring 44335
fund in the state treasury shall be deposited in the appropriate 44336
fund in accordance with division (I)(2) of this section. 44337

(2) That portion of the license reinstatement fee that is 44338
paid under division (F) of this section and that portion of the 44339
fine paid under division (G) of section 4511.19 of the Revised 44340
Code and that is credited under either division to the indigent 44341
drivers interlock and alcohol monitoring fund shall be deposited 44342
into a county indigent drivers interlock and alcohol monitoring 44343
fund, a county juvenile indigent drivers interlock and alcohol 44344

monitoring fund, or a municipal indigent drivers interlock and 44345
alcohol monitoring fund as follows: 44346

(a) If the fee or fine is paid by a person who was charged in 44347
a county court with the violation that resulted in the suspension 44348
or fine, the portion shall be deposited into the county indigent 44349
drivers interlock and alcohol monitoring fund under the control of 44350
that court. 44351

(b) If the fee or fine is paid by a person who was charged in 44352
a juvenile court with the violation that resulted in the 44353
suspension or fine, the portion shall be deposited into the county 44354
juvenile indigent drivers interlock and alcohol monitoring fund 44355
established in the county served by the court. 44356

(c) If the fee or fine is paid by a person who was charged in 44357
a municipal court with the violation that resulted in the 44358
suspension, the portion shall be deposited into the municipal 44359
indigent drivers interlock and alcohol monitoring fund under the 44360
control of that court. 44361

(3) If a county, juvenile, or municipal court determines that 44362
the funds in the county indigent drivers interlock and alcohol 44363
monitoring fund, the county juvenile indigent drivers interlock 44364
and alcohol monitoring fund, or the municipal indigent drivers 44365
interlock and alcohol monitoring fund under the control of that 44366
court are more than sufficient to satisfy the purpose for which 44367
the fund was established as specified in division (F)(2)(h) of 44368
this section, the court may declare a surplus in the fund. The 44369
court then may order the transfer of a specified amount into the 44370
county indigent drivers alcohol treatment fund, the county 44371
juvenile indigent drivers alcohol treatment fund, or the municipal 44372
indigent drivers alcohol treatment fund under the control of that 44373
court to be utilized in accordance with division (H) of this 44374
section. 44375

Sec. 4715.36. As used in this section and sections 4715.361 44376
to 4715.374 of the Revised Code: 44377

(A) "Accredited dental hygiene school" means a dental hygiene 44378
school accredited by the American dental association commission on 44379
dental accreditation or a dental hygiene school whose educational 44380
standards are recognized by the American dental association 44381
commission on dental accreditation and approved by the state 44382
dental board. 44383

(B) "Authorizing dentist" means a dentist who authorizes a 44384
dental hygienist to perform dental hygiene services under section 44385
4715.365 of the Revised Code. 44386

(C) "Clinical evaluation" means a diagnosis and treatment 44387
plan formulated for an individual patient by a dentist. 44388

(D) "Dentist" means an individual licensed under this chapter 44389
to practice dentistry. 44390

(E) "Dental hygienist" means an individual licensed under 44391
this chapter to practice as a dental hygienist. 44392

(F) "Dental hygiene services" means the prophylactic, 44393
preventive, and other procedures that dentists are authorized by 44394
this chapter and rules of the state dental board to assign to 44395
dental hygienists, except for procedures while a patient is 44396
anesthetized, definitive root planing, definitive subgingival 44397
curettage, the administration of local anesthesia, and the 44398
procedures specified in rules adopted by the board as described in 44399
division (C)(3) of section 4715.22 of the Revised Code. 44400

(G) "Facility" means any of the following: 44401

(1) A health care facility, as defined in section 4715.22 of 44402
the Revised Code; 44403

(2) A state correctional institution, as defined in section 44404
2967.01 of the Revised Code; 44405

- (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child day-care center; 44406
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- (4) A residential facility licensed under section 5123.19 of the Revised Code; 44410
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- (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 44412
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- (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code; 44416
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- (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 44420
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- (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code; 44423
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- (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code; 44425
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- (10) A foster home, as defined in section 5103.02 of the Revised Code; 44427
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- (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code; 44429
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- (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section ~~3701.881~~ 3740.11 of the Revised Code; 44431
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- (13) A dispensary; 44434
- (14) A health care facility, such as a clinic or hospital, of 44435

the United States department of veterans affairs;	44436
(15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;	44437 44438 44439
(16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	44440 44441 44442
(17) A women, infants, and children clinic;	44443
(18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;	44444 44445 44446
(19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code.	44447 44448 44449 44450 44451 44452 44453
Sec. 4719.01. (A) As used in sections 4719.01 to 4719.18 of the Revised Code:	44454 44455
(1) "Affiliate" means a business entity that is owned by, operated by, controlled by, or under common control with another business entity.	44456 44457 44458
(2) "Communication" means a written or oral notification or advertisement that meets both of the following criteria, as applicable:	44459 44460 44461
(a) The notification or advertisement is transmitted by or on behalf of the seller of goods or services and by or through any printed, audio, video, cinematic, telephonic, or electronic means.	44462 44463 44464

(b) In the case of a notification or advertisement other than 44465
by telephone, either of the following conditions is met: 44466

(i) The notification or advertisement is followed by a 44467
telephone call from a telephone solicitor or salesperson. 44468

(ii) The notification or advertisement invites a response by 44469
telephone, and, during the course of that response, a telephone 44470
solicitor or salesperson attempts to make or makes a sale of goods 44471
or services. As used in division (A)(2)(b)(ii) of this section, 44472
"invites a response by telephone" excludes the mere listing or 44473
inclusion of a telephone number in a notification or 44474
advertisement. 44475

(3) "Gift, award, or prize" means anything of value that is 44476
offered or purportedly offered, or given or purportedly given by 44477
chance, at no cost to the receiver and with no obligation to 44478
purchase goods or services. As used in this division, "chance" 44479
includes a situation in which a person is guaranteed to receive an 44480
item and, at the time of the offer or purported offer, the 44481
telephone solicitor does not identify the specific item that the 44482
person will receive. 44483

(4) "Goods or services" means any real property or any 44484
tangible or intangible personal property, or services of any kind 44485
provided or offered to a person. "Goods or services" includes, but 44486
is not limited to, advertising; labor performed for the benefit of 44487
a person; personal property intended to be attached to or 44488
installed in any real property, regardless of whether it is so 44489
attached or installed; timeshare estates or licenses; and extended 44490
service contracts. 44491

(5) "Purchaser" means a person that is solicited to become or 44492
does become financially obligated as a result of a telephone 44493
solicitation. 44494

(6) "Salesperson" means an individual who is employed, 44495

appointed, or authorized by a telephone solicitor to make 44496
telephone solicitations but does not mean any of the following: 44497

(a) An individual who comes within one of the exemptions in 44498
division (B) of this section; 44499

(b) An individual employed, appointed, or authorized by a 44500
person who comes within one of the exemptions in division (B) of 44501
this section; 44502

(c) An individual under a written contract with a person who 44503
comes within one of the exemptions in division (B) of this 44504
section, if liability for all transactions with purchasers is 44505
assumed by the person so exempted. 44506

(7) "Telephone solicitation" means a communication to a 44507
person that meets both of the following criteria: 44508

(a) The communication is initiated by or on behalf of a 44509
telephone solicitor or by a salesperson. 44510

(b) The communication either represents a price or the 44511
quality or availability of goods or services or is used to induce 44512
the person to purchase goods or services, including, but not 44513
limited to, inducement through the offering of a gift, award, or 44514
prize. 44515

(8) "Telephone solicitor" means a person that engages in 44516
telephone solicitation directly or through one or more 44517
salespersons either from a location in this state, or from a 44518
location outside this state to persons in this state. "Telephone 44519
solicitor" includes, but is not limited to, any such person that 44520
is an owner, operator, officer, or director of, partner in, or 44521
other individual engaged in the management activities of, a 44522
business. 44523

(B) A telephone solicitor is exempt from the provisions of 44524
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 44525

Code if the telephone solicitor is any one of the following: 44526

(1) A person engaging in a telephone solicitation that is a 44527
one-time or infrequent transaction not done in the course of a 44528
pattern of repeated transactions of a like nature; 44529

(2) A person engaged in telephone solicitation solely for 44530
religious or political purposes; a charitable organization, 44531
fund-raising counsel, or professional solicitor in compliance with 44532
the registration and reporting requirements of Chapter 1716. of 44533
the Revised Code; or any person or other entity exempt under 44534
section 1716.03 of the Revised Code from filing a registration 44535
statement under section 1716.02 of the Revised Code; 44536

(3) A person, making a telephone solicitation involving a 44537
home solicitation sale as defined in section 1345.21 of the 44538
Revised Code, that makes the sales presentation and completes the 44539
sale at a later, face-to-face meeting between the seller and the 44540
purchaser rather than during the telephone solicitation. However, 44541
if the person, following the telephone solicitation, causes 44542
another person to collect the payment of any money, this exemption 44543
does not apply. 44544

(4) A licensed securities, commodities, or investment broker, 44545
dealer, investment advisor, or associated person when making a 44546
telephone solicitation within the scope of the person's license. 44547
As used in division (B)(4) of this section, "licensed securities, 44548
commodities, or investment broker, dealer, investment advisor, or 44549
associated person" means a person subject to licensure or 44550
registration as such by the securities and exchange commission; 44551
the National Association of Securities Dealers or other 44552
self-regulatory organization, as defined by 15 U.S.C.A. 78c; by 44553
the division of securities under Chapter 1707. of the Revised 44554
Code; or by an official or agency of any other state of the United 44555
States. 44556

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation; 44557
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(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following: 44559
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(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code; 44562
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44564

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit. 44565
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(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply: 44570
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(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H); 44572
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(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system; 44576
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(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4). 44579
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(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business 44581
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since it had a class of securities that met the criteria in 44587
division (B)(6)(a) of this section. As used in division (B)(6)(b) 44588
of this section, "issuer" and "subsidiary" include the successor 44589
to an issuer or subsidiary. 44590

(7) A person soliciting a transaction regulated by the 44591
commodity futures trading commission, if the person is registered 44592
or temporarily registered for that activity with the commission 44593
under 7 U.S.C.A. 1 et seq. and the registration or temporary 44594
registration has not expired or been suspended or revoked; 44595

(8) A person soliciting the sale of any book, record, audio 44596
tape, compact disc, or video, if the person allows the purchaser 44597
to review the merchandise for at least seven days and provides a 44598
full refund within thirty days to a purchaser who returns the 44599
merchandise or if the person solicits the sale on behalf of a 44600
membership club operating in compliance with regulations adopted 44601
by the federal trade commission in 16 C.F.R. 425; 44602

(9) A supervised financial institution or its subsidiary. As 44603
used in division (B)(9) of this section, "supervised financial 44604
institution" means a bank, trust company, savings and loan 44605
association, savings bank, credit union, industrial loan company, 44606
consumer finance lender, commercial finance lender, or institution 44607
described in section 2(c)(2)(F) of the "Bank Holding Company Act 44608
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 44609
official or agency of the United States, this state, or any other 44610
state of the United States; or a licensee or registrant under 44611
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 44612
1321.83, or Chapter 1322. of the Revised Code. 44613

(10)(a) An insurance company, association, or other 44614
organization that is licensed or authorized to conduct business in 44615
this state by the superintendent of insurance pursuant to Title 44616
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 44617
when soliciting within the scope of its license or authorization. 44618

(b) A licensed insurance broker, agent, or solicitor when 44619
soliciting within the scope of the person's license. As used in 44620
division (B)(10)(b) of this section, "licensed insurance broker, 44621
agent, or solicitor" means any person licensed as an insurance 44622
broker, agent, or solicitor by the superintendent of insurance 44623
pursuant to Title XXXIX of the Revised Code. 44624

(11) A person soliciting the sale of services provided by a 44625
cable television system operating under authority of a 44626
governmental franchise or permit; 44627

(12) A person soliciting a business-to-business sale under 44628
which any of the following conditions are met: 44629

(a) The telephone solicitor has been operating continuously 44630
for at least three years under the same business name under which 44631
it solicits purchasers, and at least fifty-one per cent of its 44632
gross dollar volume of sales consists of repeat sales to existing 44633
customers to whom it has made sales under the same business name. 44634

(b) The purchaser business intends to resell the goods 44635
purchased. 44636

(c) The purchaser business intends to use the goods or 44637
services purchased in a recycling, reuse, manufacturing, or 44638
remanufacturing process. 44639

(d) The telephone solicitor is a publisher of a periodical or 44640
of magazines distributed as controlled circulation publications as 44641
defined in division (CC) of section 5739.01 of the Revised Code 44642
and is soliciting sales of advertising, subscriptions, reprints, 44643
lists, information databases, conference participation or 44644
sponsorships, trade shows or media products related to the 44645
periodical or magazine, or other publishing services provided by 44646
the controlled circulation publication. 44647

(13) A person that, not less often than once each year, 44648
publishes and delivers to potential purchasers a catalog that 44649

complies with both of the following: 44650

(a) It includes all of the following: 44651

(i) The business address of the seller; 44652

(ii) A written description or illustration of each good or 44653
service offered for sale; 44654

(iii) A clear and conspicuous disclosure of the sale price of 44655
each good or service; shipping, handling, and other charges; and 44656
return policy. 44657

(b) One of the following applies: 44658

(i) The catalog includes at least twenty-four pages of 44659
written material and illustrations, is distributed in more than 44660
one state, and has an annual postage-paid mail circulation of not 44661
less than two hundred fifty thousand households; 44662

(ii) The catalog includes at least ten pages of written 44663
material or an equivalent amount of material in electronic form on 44664
the internet or an on-line computer service, the person does not 44665
solicit customers by telephone but solely receives telephone calls 44666
made in response to the catalog, and during the calls the person 44667
takes orders but does not engage in further solicitation of the 44668
purchaser. As used in division (B)(13)(b)(ii) of this section, 44669
"further solicitation" does not include providing the purchaser 44670
with information about, or attempting to sell, any other item in 44671
the catalog that prompted the purchaser's call or in a 44672
substantially similar catalog issued by the seller. 44673

(14) A political subdivision or instrumentality of the United 44674
States, this state, or any state of the United States; 44675

(15) A college or university or any other public or private 44676
institution of higher education in this state; 44677

(16) A public utility as defined in section 4905.02 of the 44678
Revised Code or a retail natural gas supplier as defined in 44679

section 4929.01 of the Revised Code, if the utility or supplier is 44680
subject to regulation by the public utilities commission, or the 44681
affiliate of the utility or supplier; 44682

(17) A person that solicits sales through a television 44683
program or advertisement that is presented in the same market area 44684
no fewer than twenty days per month or offers for sale no fewer 44685
than ten distinct items of goods or services; and offers to the 44686
purchaser an unconditional right to return any good or service 44687
purchased within a period of at least seven days and to receive a 44688
full refund within thirty days after the purchaser returns the 44689
good or cancels the service; 44690

(18)(a) A person that, for at least one year, has been 44691
operating a retail business under the same name as that used in 44692
connection with telephone solicitation and both of the following 44693
occur on a continuing basis: 44694

(i) The person either displays goods and offers them for 44695
retail sale at the person's business premises or offers services 44696
for sale and provides them at the person's business premises. 44697

(ii) At least fifty-one per cent of the person's gross dollar 44698
volume of retail sales involves purchases of goods or services at 44699
the person's business premises. 44700

(b) An affiliate of a person that meets the requirements in 44701
division (B)(18)(a) of this section if the affiliate meets all of 44702
the following requirements: 44703

(i) The affiliate has operated a retail business for a period 44704
of less than one year; 44705

(ii) The affiliate either displays goods and offers them for 44706
retail sale at the affiliate's business premises or offers 44707
services for sale and provides them at the affiliate's business 44708
premises; 44709

(iii) At least fifty-one per cent of the affiliate's gross 44710
dollar volume of retail sales involves purchases of goods or 44711
services at the affiliate's business premises. 44712

(c) A person that, for a period of less than one year, has 44713
been operating a retail business in this state under the same name 44714
as that used in connection with telephone solicitation, as long as 44715
all of the following requirements are met: 44716

(i) The person either displays goods and offers them for 44717
retail sale at the person's business premises or offers services 44718
for sale and provides them at the person's business premises; 44719

(ii) The goods or services that are the subject of telephone 44720
solicitation are sold at the person's business premises, and at 44721
least sixty-five per cent of the person's gross dollar volume of 44722
retail sales involves purchases of goods or services at the 44723
person's business premises; 44724

(iii) The person conducts all telephone solicitation 44725
activities according to sections 310.3, 310.4, and 310.5 of the 44726
telemarketing sales rule adopted by the federal trade commission 44727
in 16 C.F.R. part 310. 44728

(19) A person who performs telephone solicitation sales 44729
services on behalf of other persons and to whom one of the 44730
following applies: 44731

(a) The person has operated under the same ownership, 44732
control, and business name for at least five years, and the person 44733
receives at least seventy-five per cent of its gross revenues from 44734
written telephone solicitation contracts with persons who come 44735
within one of the exemptions in division (B) of this section. 44736

(b) The person is an affiliate of one or more exempt persons 44737
and makes telephone solicitations on behalf of only the exempt 44738
persons of which it is an affiliate. 44739

(c) The person makes telephone solicitations on behalf of 44740
only exempt persons, the person and each exempt person on whose 44741
behalf telephone solicitations are made have entered into a 44742
written contract that specifies the manner in which the telephone 44743
solicitations are to be conducted and that at a minimum requires 44744
compliance with the telemarketing sales rule adopted by the 44745
federal trade commission in 16 C.F.R. part 310, and the person 44746
conducts the telephone solicitations in the manner specified in 44747
the written contract. 44748

(d) The person performs telephone solicitation for religious 44749
or political purposes, a charitable organization, a fund-raising 44750
council, or a professional solicitor in compliance with the 44751
registration and reporting requirements of Chapter 1716. of the 44752
Revised Code; and meets all of the following requirements: 44753

(i) The person has operated under the same ownership, 44754
control, and business name for at least five years, and the person 44755
receives at least fifty-one per cent of its gross revenues from 44756
written telephone solicitation contracts with persons who come 44757
within the exemption in division (B)(2) of this section; 44758

(ii) The person does not conduct a prize promotion or offer 44759
the sale of an investment opportunity; 44760

(iii) The person conducts all telephone solicitation 44761
activities according to sections 310.3, 310.4, and 310.5 of the 44762
telemarketing sales rules adopted by the federal trade commission 44763
in 16 C.F.R. part 310. 44764

(20) A person that is a licensed real estate salesperson or 44765
broker under Chapter 4735. of the Revised Code when soliciting 44766
within the scope of the person's license; 44767

(21)(a) Either of the following: 44768

(i) A publisher that solicits the sale of the publisher's 44769
periodical or magazine of general, paid circulation, or a person 44770

that solicits a sale of that nature on behalf of a publisher under 44771
a written agreement directly between the publisher and the person. 44772

(ii) A publisher that solicits the sale of the publisher's 44773
periodical or magazine of general, paid circulation, or a person 44774
that solicits a sale of that nature as authorized by a publisher 44775
under a written agreement directly with a publisher's 44776
clearinghouse provided the person is a resident of Ohio for more 44777
than three years and initiates all telephone solicitations from 44778
Ohio and the person conducts the solicitation and sale in 44779
compliance with 16 C.F.R. part 310, as adopted by the federal 44780
trade commission. 44781

(b) As used in division (B)(21) of this section, "periodical 44782
or magazine of general, paid circulation" excludes a periodical or 44783
magazine circulated only as part of a membership package or given 44784
as a free gift or prize from the publisher or person. 44785

(22) A person that solicits the sale of food, as defined in 44786
section 3715.01 of the Revised Code, or the sale of products of 44787
horticulture, as defined in section 5739.01 of the Revised Code, 44788
if the person does not intend the solicitation to result in, or 44789
the solicitation actually does not result in, a sale that costs 44790
the purchaser an amount greater than five hundred dollars. 44791

(23) A funeral director licensed pursuant to Chapter 4717. of 44792
the Revised Code when soliciting within the scope of that license, 44793
if both of the following apply: 44794

(a) The solicitation and sale are conducted in compliance 44795
with 16 C.F.R. part 453, as adopted by the federal trade 44796
commission, and with sections 1107.33 and 1345.21 to 1345.28 of 44797
the Revised Code; 44798

(b) The person provides to the purchaser of any preneed 44799
funeral contract a notice that clearly and conspicuously sets 44800
forth the cancellation rights specified in division (G) of section 44801

1107.33 of the Revised Code, and retains a copy of the notice 44802
signed by the purchaser. 44803

(24) A person, or affiliate thereof, licensed to sell or 44804
issue Ohio instruments designated as travelers checks pursuant to 44805
sections 1315.01 to 1315.18 of the Revised Code. 44806

(25) A person that solicits sales from its previous 44807
purchasers and meets all of the following requirements: 44808

(a) The solicitation is made under the same business name 44809
that was previously used to sell goods or services to the 44810
purchaser; 44811

(b) The person has, for a period of not less than three 44812
years, operated a business under the same business name as that 44813
used in connection with telephone solicitation; 44814

(c) The person does not conduct a prize promotion or offer 44815
the sale of an investment opportunity; 44816

(d) The person conducts all telephone solicitation activities 44817
according to sections 310.3, 310.4, and 310.5 of the telemarketing 44818
sales rules adopted by the federal trade commission in 16 C.F.R. 44819
part 310; 44820

(e) Neither the person nor any of its principals has been 44821
convicted of, pleaded guilty to, or has entered a plea of no 44822
contest for a felony or a theft offense as defined in sections 44823
2901.02 and 2913.01 of the Revised Code or similar law of another 44824
state or of the United States; 44825

(f) Neither the person nor any of its principals has had 44826
entered against them an injunction or a final judgment or order, 44827
including an agreed judgment or order, an assurance of voluntary 44828
compliance, or any similar instrument, in any civil or 44829
administrative action involving engaging in a pattern of corrupt 44830
practices, fraud, theft, embezzlement, fraudulent conversion, or 44831

misappropriation of property; the use of any untrue, deceptive, or 44832
misleading representation; or the use of any unfair, unlawful, 44833
deceptive, or unconscionable trade act or practice. 44834

(26) An institution defined as a home health agency in 44835
section ~~3701.881~~ 3740.01 of the Revised Code, that conducts all 44836
telephone solicitation activities according to sections 310.3, 44837
310.4, and 310.5 of the telemarketing sales rules adopted by the 44838
federal trade commission in 16 C.F.R. part 310, and engages in 44839
telephone solicitation only within the scope of the institution's 44840
certification, accreditation, contract with the department of 44841
aging, or status as a home health agency; and that meets one of 44842
the following requirements: 44843

(a) The institution is certified as a provider of home health 44844
services under Title XVIII of the Social Security Act, 49 Stat. 44845
620, 42 U.S.C. 301, as amended; 44846

(b) The institution is accredited by either the joint 44847
commission on accreditation of health care organizations or the 44848
community health accreditation program; 44849

(c) The institution is providing PASSPORT services under the 44850
direction of the department of aging under sections 173.52 to 44851
173.523 of the Revised Code; 44852

(d) An affiliate of an institution that meets the 44853
requirements of division (B)(26)(a), (b), or (c) of this section 44854
when offering for sale substantially the same goods and services 44855
as those that are offered by the institution that meets the 44856
requirements of division (B)(26)(a), (b), or (c) of this section. 44857

(27) A person licensed by the department of health pursuant 44858
to section 3712.04 or 3712.041 of the Revised Code to provide a 44859
hospice care program or pediatric respite care program when 44860
conducting telephone solicitations within the scope of the 44861
person's license and according to sections 310.3, 310.4, and 310.5 44862

of the telemarketing sales rules adopted by the federal trade 44863
commission in 16 C.F.R. part 310. 44864

Sec. 4723.431. (A)(1) An advanced practice registered nurse 44865
who is designated as a clinical nurse specialist, certified 44866
nurse-midwife, or certified nurse practitioner may practice only 44867
in accordance with a standard care arrangement entered into with 44868
each physician or podiatrist with whom the nurse collaborates. A 44869
copy of the standard care arrangement shall be retained on file by 44870
the nurse's employer. Prior approval of the standard care 44871
arrangement by the board of nursing is not required, but the board 44872
may periodically review it for compliance with this section. 44873

A clinical nurse specialist, certified nurse-midwife, or 44874
certified nurse practitioner may enter into a standard care 44875
arrangement with one or more collaborating physicians or 44876
podiatrists. If a collaborating physician or podiatrist enters 44877
into standard care arrangements with more than five nurses, the 44878
physician or podiatrist shall not collaborate at the same time 44879
with more than five nurses in the prescribing component of their 44880
practices. 44881

Not later than thirty days after first engaging in the 44882
practice of nursing as a clinical nurse specialist, certified 44883
nurse-midwife, or certified nurse practitioner, the nurse shall 44884
submit to the board the name and business address of each 44885
collaborating physician or podiatrist. Thereafter, the nurse shall 44886
notify the board of any additions or deletions to the nurse's 44887
collaborating physicians or podiatrists. Except as provided in 44888
division (D) of this section, the notice must be provided not 44889
later than thirty days after the change takes effect. 44890

(2) All of the following conditions apply with respect to the 44891
practice of a collaborating physician or podiatrist with whom a 44892
clinical nurse specialist, certified nurse-midwife, or certified 44893

nurse practitioner may enter into a standard care arrangement: 44894

(a) The physician or podiatrist must be authorized to 44895
practice in this state. 44896

(b) Except as provided in division (A)(2)(c) of this section, 44897
the physician or podiatrist must be practicing in a specialty that 44898
is the same as or similar to the nurse's nursing specialty. 44899

(c) If the nurse is a clinical nurse specialist who is 44900
certified as a psychiatric-mental health CNS by the American 44901
nurses credentialing center or a certified nurse practitioner who 44902
is certified as a psychiatric-mental health NP by the American 44903
nurses credentialing center, the nurse may enter into a standard 44904
care arrangement with a physician but not a podiatrist and the 44905
collaborating physician must be practicing in one of the following 44906
specialties: 44907

(i) Psychiatry; 44908

(ii) Pediatrics; 44909

(iii) Primary care or family practice. 44910

(B) A standard care arrangement shall be in writing and shall 44911
contain all of the following: 44912

(1) Criteria for referral of a patient by the clinical nurse 44913
specialist, certified nurse-midwife, or certified nurse 44914
practitioner to a collaborating physician or podiatrist or another 44915
physician or podiatrist; 44916

(2) A process for the clinical nurse specialist, certified 44917
nurse-midwife, or certified nurse practitioner to obtain a 44918
consultation with a collaborating physician or podiatrist or 44919
another physician or podiatrist; 44920

(3) A plan for coverage in instances of emergency or planned 44921
absences of either the clinical nurse specialist, certified 44922
nurse-midwife, or certified nurse practitioner or a collaborating 44923

physician or podiatrist that provides the means whereby a 44924
physician or podiatrist is available for emergency care; 44925

(4) The process for resolution of disagreements regarding 44926
matters of patient management between the clinical nurse 44927
specialist, certified nurse-midwife, or certified nurse 44928
practitioner and a collaborating physician or podiatrist; 44929

(5) Any other criteria required by rule of the board adopted 44930
pursuant to section 4723.07 or 4723.50 of the Revised Code. 44931

(C)(1) A standard care arrangement entered into pursuant to 44932
this section may permit a clinical nurse specialist, certified 44933
nurse-midwife, or certified nurse practitioner to supervise 44934
services provided by a home health agency as defined in section 44935
~~3701.881~~ 3740.01 of the Revised Code. 44936

(2) A standard care arrangement entered into pursuant to this 44937
section may permit a clinical nurse specialist, certified 44938
nurse-midwife, or certified nurse practitioner to admit a patient 44939
to a hospital in accordance with section 3727.06 of the Revised 44940
Code. 44941

(D)(1) Except as provided in division (D)(2) of this section, 44942
if a physician or podiatrist terminates the collaboration between 44943
the physician or podiatrist and a certified nurse-midwife, 44944
certified nurse practitioner, or clinical nurse specialist before 44945
their standard care arrangement expires, all of the following 44946
apply: 44947

(a) The physician or podiatrist must give the nurse written 44948
or electronic notice of the termination. 44949

(b) Once the nurse receives the termination notice, the nurse 44950
must notify the board of nursing of the termination as soon as 44951
practicable by submitting to the board a copy of the physician's 44952
or podiatrist's termination notice. 44953

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

Sec. 4729.42. (A) Subject to division (B) of this section, if use of a protocol that has been developed under this section has been authorized under section 4731.90 of the Revised Code, a pharmacist, or a pharmacy intern who is practicing under the direct supervision of a pharmacist, may dispense tobacco cessation drugs without a prescription in accordance with that protocol to individuals who are seeking to quit using tobacco-containing

products. 44985

(B) For a pharmacist or pharmacy intern to be authorized to 44986
dispense tobacco cessation drugs under this section, the 44987
pharmacist or pharmacy intern shall do both of the following: 44988

(1) Successfully complete a course on tobacco cessation 44989
therapy that is taught by a provider that is accredited by the 44990
accreditation council for pharmacy education, or another provider 44991
approved by the state board of pharmacy, and that meets 44992
requirements established in rules adopted under this section; 44993

(2) Practice in accordance with a protocol that meets the 44994
requirements of division (C) of this section. 44995

(C) All of the following apply with respect to the protocol 44996
required by this section: 44997

(1) The protocol shall be established by a physician 44998
authorized under Chapter 4731. of the Revised Code to practice 44999
medicine and surgery or osteopathic medicine and surgery. 45000

(2) The protocol shall specify a definitive set of treatment 45001
guidelines and the locations at which a pharmacist or pharmacy 45002
intern may dispense tobacco cessation drugs under this section. 45003

(3) The protocol shall include provisions for implementation 45004
of the following requirements: 45005

(a) Use by the pharmacist or pharmacy intern of a screening 45006
procedure, recommended by the United States centers for disease 45007
control and prevention or another organization approved by the 45008
board, to determine if an individual is a good candidate to 45009
receive tobacco cessation drugs dispensed as authorized by this 45010
section; 45011

(b) A requirement that the pharmacist or pharmacy intern 45012
refer high-risk individuals or individuals with contraindications 45013
to a primary care provider or, as appropriate, to another type of 45014

provider; 45015

(c) A requirement that the pharmacist or pharmacy intern 45016
develop and implement a follow-up care plan in accordance with 45017
guidelines specified in rules adopted under this section, 45018
including a recommendation by the pharmacist or pharmacy intern 45019
that the individual seek additional assistance with behavior 45020
change, including assistance from the Ohio tobacco quit line made 45021
available by the department of health; 45022

(d) A requirement that the pharmacist or pharmacy intern 45023
obtain parental or guardian consent, in accordance with procedures 45024
specified in rules adopted under this section, before dispensing 45025
tobacco cessation drugs to individuals who are younger than 45026
eighteen years of age. 45027

(4) The protocol shall satisfy any additional requirements 45028
established in rules adopted under this section. 45029

(D)(1) Documentation related to screening, dispensing, and 45030
follow-up care plans shall be maintained in the records of the 45031
pharmacy where the pharmacist or pharmacy intern practices. 45032
Dispensing of tobacco cessation drugs may be documented on a 45033
prescription form, and the form may be assigned a number for 45034
recordkeeping purposes. 45035

(2) Not later than thirty days after a screening is conducted 45036
under this section, the pharmacist or pharmacy intern shall 45037
provide notice to the individual's primary care provider, if 45038
known, or to the individual if the primary care provider is 45039
unknown. The notice shall include results of the screening, and if 45040
applicable, the dispensing record and follow-up care plan. 45041

A copy of the documentation identified in division (D)(1) of 45042
this section shall also be provided to the individual or the 45043
individual's primary care provider on request. 45044

(E) This section does not affect the authority of a 45045

pharmacist or pharmacy intern to fill or refill prescriptions for 45046
tobacco cessation drugs. 45047

(F)(1) No pharmacist shall do either of the following: 45048

(a) Dispense tobacco cessation drugs without a prescription 45049
unless the requirements of division (B) of this section have been 45050
met; 45051

(b) Delegate to any person the pharmacist's authority to 45052
engage in or supervise the dispensing of tobacco cessation drugs. 45053

(2) No pharmacy intern shall dispense tobacco cessation drugs 45054
without a prescription unless the requirements of division (B) of 45055
this section have been met. 45056

(G)(1) The board shall adopt rules to implement this section. 45057
The rules shall be adopted in accordance with Chapter 119. of the 45058
Revised Code and shall include all of the following: 45059

(a) Provisions specifying the tobacco cessation drugs that 45060
may be dispensed without a prescription in accordance with a 45061
protocol; 45062

(b) Requirements for courses on tobacco cessation therapy 45063
including requirements that are consistent with any standards 45064
established for such courses by the United States centers for 45065
disease control and prevention; 45066

(c) Requirements for protocols to be followed by pharmacists 45067
and pharmacy interns in dispensing tobacco cessation drugs; 45068

(d) Guidelines for follow-up care plans; 45069

(e) Procedures to be followed by pharmacists and pharmacy 45070
interns in obtaining parental or guardian consent in the case of 45071
individuals who are younger than eighteen years of age. 45072

(2) Prior to adopting rules regarding requirements for 45073
protocols to be followed by pharmacists and pharmacy interns in 45074
dispensing of tobacco cessation drugs, the state board of pharmacy 45075

shall consult with the state medical board. 45076

(3) Prior to adopting rules specifying tobacco cessation 45077
drugs that may be dispensed without a prescription in accordance 45078
with a protocol, the state board of pharmacy shall consult with 45079
the department of health. 45080

Sec. 4729.43. (A) As used in this section: 45081

(1) "Home health agency" has the same meaning as in section 45082
~~3701.881~~ 3740.01 of the Revised Code. 45083

(2) "Hospice care program" and "hospice patient" have the 45084
same meanings as in section 3712.01 of the Revised Code. 45085

(B) With regard to a dangerous drug that is indicated for the 45086
treatment of cancer or a cancer-related illness, must be 45087
administered intravenously or by subcutaneous injection, and 45088
cannot reasonably be self-administered by the patient to whom the 45089
drug is prescribed or by an individual assisting the patient with 45090
the self-administration, a pharmacist shall not dispense the drug 45091
by delivering the drug directly to any of the following or causing 45092
the drug to be delivered directly to any of the following: 45093

(1) The patient; 45094

(2) The patient's representative, which may include the 45095
patient's guardian or a family member or friend of the patient; 45096

(3) The patient's private residence unless any of the 45097
following is the case: 45098

(a) The patient's private residence is a nursing home, 45099
residential care facility, rehabilitation facility, or similar 45100
institutional facility or health care facility. 45101

(b) If the patient is an adult and a hospice patient or 45102
client of a home health agency, the patient, the licensed health 45103
professional authorized to prescribe drugs who prescribed the drug 45104

to the patient, or an employee or agent of the prescriber has 45105
notified the pharmacist that the patient is a hospice patient or 45106
client of a home health agency and an employee or agent of the 45107
hospice care program or home health agency will be administering 45108
the drug to the patient. 45109

(c) If the patient is a minor and a hospice patient or client 45110
of a home health agency, either of the following has notified the 45111
pharmacist that the patient is a client of a home health agency 45112
and an employee or agent of the hospice care program or home 45113
health agency will be administering the drug to the patient: 45114

(i) The licensed health professional authorized to prescribe 45115
drugs who prescribed the drug to the patient or an employee or 45116
agent of the prescriber; 45117

(ii) The parent, guardian, or other person who has care or 45118
charge of the patient and is authorized to consent to medical 45119
treatment on behalf of the patient. 45120

Sec. 4731.152. (A) The state medical board shall appoint a 45121
message therapy advisory council for the purpose of advising the 45122
board on issues relating to the practice of massage therapy. The 45123
advisory council shall consist of not more than seven individuals 45124
knowledgeable in the area of massage therapy. 45125

A majority of the council members shall be individuals 45126
licensed to practice massage therapy under this chapter who are 45127
actively engaged in the practice of massage therapy. The board 45128
shall include all of the following on the council: 45129

(1) One physician who is a member of the state medical board; 45130

(2) One massage therapy educator; 45131

(3) One individual who is not affiliated with any health care 45132
profession, who shall be appointed to represent the interest of 45133
consumers. 45134

The American massage therapy association, or its successor organization, may nominate not more than three individuals for consideration by the board in appointing the educator member described in division (A)(2) of this section. 45135
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Associated bodywork and massage professionals (ABMP), or its successor organization, may nominate not more than three individuals for consideration by the board in appointing any member of the council other than the physician member described in division (A)(1) of this section or the educator member described in division (A)(2) of this section. 45139
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(B) Not later than ninety days after the effective date of this section, the board shall make initial appointments to the council. Initial members shall serve terms of office of one, two, or three years, as selected by the board. Thereafter, terms of office shall be for three years, with each term ending on the same day of the same month as the term that it succeeds. A council member shall continue in office subsequent to the expiration date of the member's term until a successor is appointed and takes office, or until a period of sixty days has elapsed, whichever occurs first. Each council member shall hold office from the date of appointment until the end of the term for which the member was appointed. 45145
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(C) Members shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in performing their official duties. 45157
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(D) The council shall meet at least four times each year and at other times as may be necessary to carry out its responsibilities. 45160
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(E) The council may submit to the board recommendations concerning all of the following: 45163
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(1) Requirements for issuing a license to practice as a 45165

<u>licensed massage therapist, including the educational and</u>	45166
<u>experience requirements that must be met to receive the license;</u>	45167
<u>(2) Existing and proposed rules pertaining to the practice of</u>	45168
<u>massage therapy and the administration and enforcement of this</u>	45169
<u>chapter as it pertains to massage therapy;</u>	45170
<u>(3) Standards for the approval of educational programs</u>	45171
<u>required to qualify for licensure;</u>	45172
<u>(4) Policies related to the issuance and renewal of a license</u>	45173
<u>to practice massage therapy;</u>	45174
<u>(5) Fees for the issuance and renewal of a license to</u>	45175
<u>practice massage therapy;</u>	45176
<u>(6) Standards of practice and ethical conduct in the practice</u>	45177
<u>of massage therapy;</u>	45178
<u>(7) The safe and effective practice of massage therapy,</u>	45179
<u>including scope of practice and minimal standards of care.</u>	45180
<u>Sec. 4731.90.</u> <u>A physician who has established a protocol that</u>	45181
<u>meets the requirements of section 4729.42 of the Revised Code and</u>	45182
<u>the rules adopted under that section may authorize one or more</u>	45183
<u>pharmacists and any of the pharmacy interns supervised by the</u>	45184
<u>pharmacist or pharmacists to use the protocol for the purpose of</u>	45185
<u>dispensing tobacco cessation drugs under section 4729.42 of the</u>	45186
<u>Revised Code.</u>	45187
Sec. 4735.05. (A) The Ohio real estate commission is a part	45188
of the department of commerce for administrative purposes. The	45189
director of commerce is ex officio the executive officer of the	45190
commission, or the director may designate any employee of the	45191
department as superintendent of real estate and professional	45192
licensing to act as executive officer of the commission.	45193
The commission and the real estate appraiser board created	45194

pursuant to section 4763.02 of the Revised Code shall each submit 45195
to the director a list of three persons whom the commission and 45196
the board consider qualified to be superintendent within sixty 45197
days after the office of superintendent becomes vacant. The 45198
director shall appoint a superintendent from the lists submitted 45199
by the commission and the board, and the superintendent shall 45200
serve at the pleasure of the director. 45201

(B) The superintendent, except as otherwise provided, shall 45202
do all of the following in regard to this chapter: 45203

(1) Administer this chapter; 45204

(2) Issue all orders necessary to implement this chapter; 45205

(3) Investigate complaints concerning the violation of this 45206
chapter or the conduct of any licensee; 45207

(4) Establish and maintain an investigation and audit section 45208
to investigate complaints and conduct inspections, audits, and 45209
other inquiries as in the judgment of the superintendent are 45210
appropriate to enforce this chapter. The investigators or auditors 45211
have the right to review and audit the business records of 45212
licensees and continuing education course providers during normal 45213
business hours. 45214

(5) Appoint a hearing examiner for any proceeding involving 45215
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 45216
the Revised Code; 45217

(6) Administer the real estate recovery fund. 45218

(C) The superintendent may do all of the following: 45219

(1) In connection with investigations and audits under 45220
division (B) of this section, subpoena witnesses as provided in 45221
section 4735.04 of the Revised Code; 45222

(2) Apply to the appropriate court to enjoin any violation of 45223
this chapter. Upon a showing by the superintendent that any person 45224

has violated or is about to violate any provision of this chapter, 45225
the court shall grant an injunction, restraining order, or other 45226
appropriate order. 45227

(3) ~~Upon~~ Recommend the appointment of an ancillary trustee 45228
who is qualified as determined by the superintendent in any of the 45229
following instances: 45230

(a) Upon the death of a licensed broker ~~or the revocation or~~ 45231
~~suspension of the broker's license,~~ if there is no other licensed 45232
broker within the ~~business entity of the broker~~ brokerage, appoint 45233
upon application by any interested party, ~~or, in the case of a~~ 45234
~~deceased broker,~~ subject to the approval by the appropriate 45235
probate court, ~~recommend the appointment of, an ancillary trustee~~ 45236
~~who is qualified as determined by the superintendent to conclude~~ 45237
the business transactions of the deceased, ~~revoked, or suspended~~ 45238
broker; 45239

(b) Upon the revocation of a licensed broker, if there is no 45240
other licensed broker within the brokerage, to conclude the 45241
business transactions of the revoked broker; 45242

(c) Upon the incapacitation, suspension, or incarceration of 45243
a licensed broker, if there is no other licensed broker within the 45244
brokerage, to continue the business transactions of the brokerage 45245
for a period of time not to exceed the period of incapacitation, 45246
suspension, or incarceration. 45247

(4) In conjunction with the enforcement of this chapter, when 45248
the superintendent of real estate has reasonable cause to believe 45249
that an applicant or licensee has committed a criminal offense, 45250
the superintendent of real estate may request the superintendent 45251
of the bureau of criminal identification and investigation to 45252
conduct a criminal records check of the applicant or licensee. The 45253
superintendent of the bureau of criminal identification and 45254
investigation shall obtain information from the federal bureau of 45255

investigation as part of the criminal records check of the 45256
applicant or licensee. The superintendent of real estate may 45257
assess the applicant or licensee a fee equal to the fee assessed 45258
for the criminal records check. 45259

(5) In conjunction with the enforcement of this chapter, 45260
issue advisory letters in lieu of initiating disciplinary action 45261
under section 4735.051 or 4735.052 of the Revised Code or issuing 45262
a citation under section 4735.16 or 4735.181 of the Revised Code. 45263

(D) All information that is obtained by investigators and 45264
auditors performing investigations or conducting inspections, 45265
audits, and other inquiries pursuant to division (B)(4) of this 45266
section, from licensees, complainants, or other persons, and all 45267
reports, documents, and other work products that arise from that 45268
information and that are prepared by the investigators, auditors, 45269
or other personnel of the department, shall be held in confidence 45270
by the superintendent, the investigators and auditors, and other 45271
personnel of the department. Notwithstanding division (D) of 45272
section 2317.023 of the Revised Code, all information obtained by 45273
investigators or auditors from an informal mediation meeting held 45274
pursuant to section 4735.051 of the Revised Code, including but 45275
not limited to the agreement to mediate and the accommodation 45276
agreement, shall be held in confidence by the superintendent, 45277
investigators, auditors, and other personnel of the department. 45278

(E) This section does not prevent the division of real estate 45279
and professional licensing from releasing information relating to 45280
licensees to the superintendent of financial institutions for 45281
purposes relating to the administration of Chapter 1322. of the 45282
Revised Code, to the superintendent of insurance for purposes 45283
relating to the administration of Chapter 3953. of the Revised 45284
Code, to the attorney general, or to local law enforcement 45285
agencies and local prosecutors. Information released by the 45286
division pursuant to this section remains confidential. 45287

Sec. 4735.14. (A) Each license issued under this chapter, 45288
shall be valid without further recommendation or examination until 45289
it is placed in an inactive or resigned status, is revoked or 45290
suspended, or such license expires by operation of law. 45291

(B) Except for a licensee who has placed the licensee's 45292
license in resigned status pursuant to section 4735.142 of the 45293
Revised Code, each licensed broker, brokerage, or salesperson 45294
shall file, on or before the date the Ohio real estate commission 45295
has adopted by rule for that licensee in accordance with division 45296
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 45297
renewal on a form prescribed by the superintendent of real estate. 45298
The notice of renewal shall be mailed by the superintendent two 45299
months prior to the filing deadline to the personal residence 45300
address of each broker or salesperson that is on file with the 45301
division. If the licensee is a partnership, association, limited 45302
liability company, limited liability partnership, or corporation, 45303
the notice of renewal shall be mailed by the superintendent two 45304
months prior to the filing deadline to the brokerage's business 45305
address on file with the division. A licensee shall not renew the 45306
licensee's license any earlier than two months prior to the filing 45307
deadline. 45308

(C) Except as otherwise provided in division (B) of this 45309
section, the license of any real estate broker, brokerage, or 45310
salesperson that fails to file a notice of renewal on or before 45311
the filing deadline of each ensuing year shall be suspended 45312
automatically without the taking of any action by the 45313
superintendent. A suspended license may be reactivated within 45314
twelve months of the date of suspension, provided that the renewal 45315
fee plus a penalty fee of fifty per cent of the renewal fee is 45316
paid to the superintendent. Failure to reactivate the license as 45317
provided in this division shall result in automatic revocation of 45318
the license without the taking of any action by the 45319

superintendent. No person, partnership, association, corporation, 45320
limited liability company, or limited partnership shall engage in 45321
any act or acts for which a real estate license is required while 45322
that entity's license is placed in an inactive or resigned status, 45323
or is suspended, or revoked. The commission shall adopt rules in 45324
accordance with Chapter 119. of the Revised Code to provide to 45325
licensees notice of suspension or revocation or both. 45326

(D) Each licensee shall notify the superintendent of a change 45327
in personal residence address within thirty days after the change 45328
of location. A licensee's failure to notify the superintendent of 45329
a change in personal residence address does not negate the 45330
requirement to file the license renewal by the required deadline 45331
established by the commission by rule under division (A)(2)(f) of 45332
section 4735.10 of the Revised Code. Each licensee shall maintain 45333
a valid electronic mail address on file with the division and 45334
notify the superintendent of any change in electronic mail address 45335
within thirty days after the change. 45336

(E) The superintendent shall not renew a license if the 45337
licensee fails to comply with section 4735.141 of the Revised Code 45338
or is otherwise not in compliance with this chapter. 45339

(F) The superintendent shall make notice of successful 45340
renewal available electronically to licensees as soon as 45341
practicable, but not later than thirty days after receipt by the 45342
division of a complete application and renewal fee. This notice 45343
shall serve as a notice of renewal for purposes of section 4745.02 45344
of the Revised Code. 45345

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 45346
transfer of a license shall be as follows: 45347

(1) Reactivation or transfer of a broker's license into or 45348
out of a partnership, association, limited liability company, 45349
limited liability partnership, or corporation or from one 45350

partnership, association, limited liability company, limited liability partnership, or corporation to another partnership, association, limited liability company, limited liability partnership, or corporation, thirty-four dollars. An application for such transfer shall be made to the superintendent of real estate on forms provided by the superintendent.

(2) Reactivation or transfer of a license by a real estate salesperson, thirty-four dollars.

(B) Except as may otherwise be specified pursuant to division (F) of this section or any rules adopted by the Ohio real estate commission pursuant to division (A)(2)(b) of section 4735.10 of the Revised Code, the nonrefundable fees are as follows for each licensing period:

(1) Branch office license, twenty dollars;

(2) Renewal of a three-year real estate broker's license, two hundred forty-three dollars. If the licensee is a partnership, association, limited liability company, limited liability partnership, or corporation, the full broker's renewal fee shall be required for each member of such partnership, association, limited liability company, limited liability partnership, or corporation that is a real estate broker. If the real estate broker has not less than eleven nor more than twenty real estate salespersons associated with the broker, an additional fee of sixty-four dollars shall be assessed to the brokerage. For every additional ten real estate salespersons or fraction of that number, the brokerage assessment fee shall be increased in the amount of thirty-seven dollars.

(3) Renewal of a three-year real estate salesperson's license, one hundred eighty-two dollars;

(4) Renewal of a real estate broker's or salesperson's license filed within twelve months after the licensee's renewal

date, an additional late filing penalty of fifty per cent of the 45382
required three-year fee; 45383

(5) Foreign real estate dealer's license and each renewal of 45384
the license, thirty dollars per salesperson employed by the 45385
dealer, but not less than two hundred three dollars; 45386

(6) Foreign real estate salesperson's license and each 45387
renewal of the license, sixty-eight dollars. 45388

(C) All fees collected under this section shall be paid to 45389
the treasurer of state. One dollar of each such fee shall be 45390
credited to the real estate education and research fund, except 45391
that for fees that are assessed only once every three years, ~~three~~ 45392
~~dollars~~ one dollar and fifty cents of each triennial fee shall be 45393
credited to the real estate education and research fund. 45394

(D) In all cases, the fee and any penalty shall accompany the 45395
application for the license, license transfer, or license 45396
reactivation or shall accompany the filing of the renewal. 45397

(E) The commission may establish by rule reasonable fees for 45398
services not otherwise established by this chapter. 45399

(F) The commission may adopt rules that provide for a 45400
reduction in the fees established in divisions (B)(2) and (3) of 45401
this section. 45402

Sec. 4735.211. All fines imposed under section 4735.051 of 45403
the Revised Code, and all fees and charges collected under 45404
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 45405
4735.28, and 4735.29 of the Revised Code, except such fees as are 45406
paid to the real estate education and research fund and real 45407
estate recovery fund as provided in this chapter, shall be paid 45408
into the state treasury to the credit of the division of real 45409
estate operating fund, which is hereby created. All operating 45410
expenses of the division of real estate shall be paid from the 45411

division of real estate operating fund. 45412

The division of real estate operating fund shall be assessed 45413
a proportionate share of the administrative costs of the 45414
department of commerce in accordance with procedures prescribed by 45415
the director of commerce ~~and approved by the director of budget~~ 45416
~~and management~~. Such assessments shall be paid from the division 45417
of real estate operating fund to the division of administration 45418
fund. 45419

If funds in the division of real estate operating fund are 45420
determined by the director of commerce to be in excess of those 45421
necessary to fund all the expenses of the division in any 45422
biennium, the director may pay the excess funds to the real estate 45423
education and research fund. 45424

Sec. 4755.01. (A) There is hereby created the Ohio 45425
occupational therapy, physical therapy, and athletic trainers 45426
board consisting of sixteen residents of this state, who shall be 45427
appointed by the governor with the advice and consent of the 45428
senate. The board shall be composed of a physical therapy section, 45429
an occupational therapy section, and an athletic trainers section. 45430

(1) Five members of the board shall be physical therapists 45431
who are licensed to practice physical therapy and who have been 45432
engaged in or actively associated with the practice of physical 45433
therapy in this state for at least five years immediately 45434
preceding appointment. Such members of the board shall sit on the 45435
physical therapy section. The physical therapy section also shall 45436
consist of four additional members, appointed by the governor with 45437
the advice and consent of the senate, who satisfy the same 45438
qualifications as the members of the board sitting on the physical 45439
therapy section, but who are not members of the board. Of the 45440
additional physical therapy section members whose terms commence 45441
on August 28, 2007, one shall be for a term of one year, one for a 45442

term of two years, one for a term of three years, and one for a 45443
term of four years. Such additional members of the physical 45444
therapy section are vested with only such powers and shall perform 45445
only such duties as relate to the affairs of that section. 45446

(2) Four members of the board shall be occupational 45447
therapists and one member shall be a licensed occupational therapy 45448
assistant, all of whom have been engaged in or actively associated 45449
with the practice of occupational therapy or practice as an 45450
occupational therapy assistant in this state for at least five 45451
years immediately preceding appointment. Such members of the board 45452
shall sit on the occupational therapy section. 45453

(3) Four members of the board shall be athletic trainers who 45454
have been engaged in the practice of athletic training in Ohio for 45455
at least five years immediately preceding appointment. One member 45456
of the board shall be a physician licensed to practice medicine 45457
and surgery in this state. Such members of the board shall sit on 45458
the athletic trainers section. 45459

(4) One member of the board shall represent the public. This 45460
member shall sit on the board and shall attend each year at least 45461
three meetings of the physical therapy section, three meetings of 45462
the occupational therapy section, and three meetings of the 45463
athletic trainers section. 45464

(B) Except for the terms of office specified in division 45465
(A)(1) of this section for the additional members of the physical 45466
therapy section commencing on August 28, 2007, terms for the 45467
members of the board and the additional members of the physical 45468
therapy section are for three years. Each member's term shall 45469
commence on the twenty-eighth day of August and end on the 45470
twenty-seventh day of August. Each member shall serve subsequent 45471
to the expiration of the member's term until the member's 45472
successor is appointed and qualifies, or until a period of ~~sixty~~ 45473
ninety days has elapsed, whichever occurs first. A member shall 45474

not serve for more than three consecutive terms. All vacancies 45475
shall be filled in the manner prescribed for the regular 45476
appointments and are limited to the unexpired terms. 45477

(C) Each member of the board and each additional member of 45478
the physical therapy section, before entering upon the official 45479
duties of office, shall do both of the following: 45480

(1) Subscribe to and file with the secretary of state the 45481
constitutional oath of office; 45482

(2) Sign and file with the executive director of the board a 45483
notarized statement that the member has read and understands 45484
sections 121.22 and 149.43 of the Revised Code and the provisions 45485
of Chapter 119. of the Revised Code that are applicable to the 45486
duties of the board. 45487

(D) Annually, upon the qualification of the member or members 45488
appointed in that year, the board shall organize by selecting from 45489
its members a president and secretary. Each section of the board 45490
shall independently organize by selecting from its members a 45491
chairperson and secretary. 45492

(E) A majority of the members of the board constitutes a 45493
quorum to transact and vote on the business of the board. A 45494
majority of the members of each section constitutes a quorum to 45495
transact and vote on the affairs of that section. 45496

(F) Each member of the board and each additional member of 45497
the physical therapy section shall receive an amount fixed 45498
pursuant to division (J) of section 124.15 of the Revised Code for 45499
each day employed in the discharge of official duties. In 45500
addition, each member of the board and each additional member of 45501
the physical therapy section shall receive the member's actual and 45502
necessary expenses incurred in the performance of official duties. 45503

(G) The board of trustees of the Ohio occupational therapy 45504
association may recommend, after any term expires or vacancy 45505

occurs in an occupational therapy position, at least three persons 45506
to fill each such position or vacancy on the board, and the 45507
governor may make the appointment from the persons so recommended. 45508
The executive board of the Ohio chapter of the American physical 45509
therapy association may recommend, after any term expires or 45510
vacancy occurs in a physical therapy position, at least three 45511
persons to fill each such vacancy on the board, and the governor 45512
may make appointments from the persons so recommended. The Ohio 45513
athletic trainers association shall recommend to the governor at 45514
least three persons when any term expires or any vacancy occurs in 45515
an athletic trainer position. The governor may select one of the 45516
association's recommendations in making such an appointment. 45517

(H) The board shall meet as a whole to determine all 45518
administrative, personnel, and budgetary matters. The executive 45519
director of the board appointed by the board shall not be a 45520
physical therapist, an occupational therapist, or an athletic 45521
trainer who has been licensed to practice physical therapy, 45522
occupational therapy, or as an athletic trainer in this state 45523
within three years immediately preceding appointment. The 45524
executive director shall execute, under the direction of the 45525
board, the policies, orders, directives, and administrative 45526
functions of the board and shall direct, under rules adopted by 45527
the board, the work of all persons employed by the board. Upon the 45528
request of the board, the executive director shall report to the 45529
board on any matter. The executive director shall serve at the 45530
pleasure of the board. 45531

(I) The occupational therapy section of the board shall have 45532
the authority to act on behalf of the board on matters concerning 45533
the practice of occupational therapy and, in particular, the 45534
examination of applicants, the issuance of licenses ~~and limited~~ 45535
~~permits~~, and the suspension or revocation of licenses ~~and limited~~ 45536
~~permits~~ to practice as an occupational therapist or occupational 45537

therapy assistant. The physical therapy section of the board shall 45538
have the authority to act on behalf of the board on matters 45539
concerning the practice of physical therapy and, in particular, 45540
the examination, licensure, and suspension or revocation of 45541
licensure of applicants, physical therapists, and physical 45542
therapist assistants. The athletic trainers section of the board 45543
shall have the authority to act on behalf of the board on matters 45544
concerning the practice of athletic training and, in particular, 45545
the examination, licensure, and suspension or revocation of 45546
licensure of applicants and athletic trainers. All actions taken 45547
by any section of the board under this division shall be in 45548
accordance with Chapter 119. of the Revised Code. 45549

Sec. 4755.02. (A) The appropriate section of the Ohio 45550
occupational therapy, physical therapy, and athletic trainers 45551
board shall investigate compliance with this chapter or any rule 45552
or order issued under this chapter and shall investigate alleged 45553
grounds for the suspension, revocation, or refusal to issue or 45554
renew licenses ~~or limited permits~~ under section 3123.47, 4755.11, 45555
4755.47, or 4755.64 of the Revised Code. The appropriate section 45556
may subpoena witnesses and documents in connection with its 45557
investigations. 45558

(B) Through the attorney general or an appropriate 45559
prosecuting attorney, the appropriate section may apply to an 45560
appropriate court for an order enjoining the violation of this 45561
chapter. On the filing of a verified petition, the court shall 45562
conduct a hearing on the petition and give the same preference to 45563
the proceeding as is given to all proceedings under Chapter 119. 45564
of the Revised Code, irrespective of the position of the 45565
proceeding on the court's calendar. On a showing that a person has 45566
violated or is about to violate this chapter, the court shall 45567
grant an injunction, restraining order, or other order as 45568
appropriate. The injunction proceedings provided by this division 45569

are in addition to all penalties and other remedies provided in 45570
this chapter. 45571

(C) When requested by the appropriate section, the 45572
prosecuting attorney of a county, or the village solicitor or city 45573
director of law of a municipal corporation, where a violation of 45574
this chapter allegedly occurs, shall take charge of and conduct 45575
the prosecution. 45576

(D) The appropriate section may employ investigators who 45577
shall investigate complaints, conduct inspections, and make 45578
inquiries as in the judgment of the section are appropriate to 45579
enforce sections 3123.41 to 3123.50 of the Revised Code or this 45580
chapter. These investigators have the right to review, obtain 45581
copies, and audit the patient records and personnel files of 45582
licensees ~~and limited permit holders~~ at the place of business of 45583
the licensees ~~or limited permit holders~~ or any other place where 45584
such documents may be and shall be given access to such documents 45585
during normal business hours. 45586

(E)(1) Subject to division (E)(2) of this section, 45587
information and records received or generated by the board 45588
pursuant to an investigation are confidential, are not public 45589
records as defined in section 149.43 of the Revised Code, and are 45590
not subject to discovery in any civil or administrative action. 45591

(2) For good cause, the board may disclose information 45592
gathered pursuant to an investigation to any federal, state, or 45593
local law enforcement, prosecutorial, or regulatory agency or its 45594
officers or agents engaging in an investigation the board believes 45595
is within the agency's jurisdiction. An agency that receives 45596
confidential information shall comply with the same requirements 45597
regarding confidentiality as those with which the board must 45598
comply, notwithstanding any conflicting provision of the Revised 45599
Code or procedure of the agency that applies when the agency is 45600
dealing with other information in its possession. The information 45601

may be admitted into evidence in a criminal trial in accordance 45602
with the Rules of Evidence, or in an administrative hearing 45603
conducted by an agency, but the court or agency shall require that 45604
appropriate measures be taken to ensure that confidentiality is 45605
maintained with respect to any part of the information that 45606
contains names or other identifying information about patients, 45607
complainants, or others whose confidentiality was protected by the 45608
board when the information was in the board's possession. Measures 45609
to ensure confidentiality that may be taken by the court or agency 45610
include sealing its records or redacting specific information from 45611
its records. 45612

(F) The appropriate section shall conduct hearings, keep 45613
records and minutes, and enforce the relevant sections of this 45614
chapter. 45615

(G) Each section of the board shall publish and make 45616
available, upon request and for a fee not to exceed the actual 45617
cost of printing and mailing, the licensure standards prescribed 45618
by the relevant sections of this chapter and the Administrative 45619
Code. 45620

(H) The board shall submit to the governor and to the general 45621
assembly each year a report of all its official actions during the 45622
preceding year, together with any recommendations and findings 45623
with regard to the status of the professions of physical therapy, 45624
occupational therapy, and athletic training. 45625

Sec. 4755.04. As used in sections 4755.04 to 4755.13 and 45626
section 4755.99 of the Revised Code: 45627

(A) "Occupational therapy" means the therapeutic use of 45628
everyday life activities or occupations with individuals or groups 45629
for the purpose of participation in roles and situations in the 45630
home, school, workplace, community, and other settings. The 45631
practice of occupational therapy includes all of the following: 45632

(1) Methods or strategies selected to direct the process of 45633
interventions, including, but not limited to, establishment, 45634
remediation, or restoration of a skill or ability that has not yet 45635
developed or is impaired and compensation, modification, or 45636
adaptation of activity or environment to enhance performance; 45637

(2) Evaluation of factors affecting activities of daily 45638
living, instrumental activities of daily living, education, work, 45639
play, leisure, and social participation, including, but not 45640
limited to, sensory motor abilities, vision, perception, 45641
cognition, psychosocial, and communication and interaction skills; 45642

(3) Interventions and procedures to promote or enhance safety 45643
and performance in activities of daily living, education, work, 45644
play, leisure, and social participation, including, but not 45645
limited to, application of physical agent modalities, use of a 45646
range of specific therapeutic procedures to enhance performance 45647
skills, rehabilitation of driving skills to facilitate community 45648
mobility, and management of feeding, eating, and swallowing to 45649
enable eating and feeding performance; 45650

(4) Consultative services, case management, and education of 45651
patients, clients, or other individuals to promote 45652
self-management, home management, and community and work 45653
reintegration; 45654

(5) Designing, fabricating, applying, recommending, and 45655
instructing in the use of selected orthotic or prosthetic devices 45656
and other equipment which assists the individual to adapt to the 45657
individual's potential or actual impairment; 45658

(6) Administration of topical drugs that have been prescribed 45659
by a licensed health professional authorized to prescribe drugs, 45660
as defined in section 4729.01 of the Revised Code. 45661

(B) "Occupational therapist" means a person who is licensed 45662
~~or holds a limited permit~~ to practice occupational therapy and who 45663

offers such services to the public under any title incorporating 45664
the words "occupational therapy," "occupational therapist," or any 45665
similar title or description of services. 45666

(C) "Occupational therapy assistant" means a person who holds 45667
a license ~~or limited permit~~ to provide occupational therapy 45668
techniques under the general supervision of an occupational 45669
therapist. 45670

Sec. 4755.05. No person who does not hold a current license 45671
~~or limited permit~~ under sections 4755.04 to 4755.13 of the Revised 45672
Code shall practice or offer to practice occupational therapy, or 45673
use in connection with the person's name, or otherwise assume, 45674
use, or advertise, any title, initials, or description tending to 45675
convey the impression that the person is an occupational therapist 45676
or an occupational therapy assistant. No partnership, association, 45677
or corporation shall advertise or otherwise offer to provide or 45678
convey the impression that it is providing occupational therapy 45679
unless an individual holding a current license ~~or limited permit~~ 45680
under sections 4755.04 to 4755.13 of the Revised Code is or will 45681
at the appropriate time be rendering the occupational therapy 45682
services to which reference is made. 45683

Sec. 4755.06. The occupational therapy section of the Ohio 45684
occupational therapy, physical therapy, and athletic trainers 45685
board may make reasonable rules in accordance with Chapter 119. of 45686
the Revised Code relating to, but not limited to, the following: 45687

(A) The form and manner for filing applications for licensure 45688
under sections 4755.04 to 4755.13 of the Revised Code; 45689

(B) The issuance, suspension, and revocation of the licenses 45690
and the conducting of investigations and hearings; 45691

(C) Standards for approval of courses of study relative to 45692
the practice of occupational therapy; 45693

(D) The time and form of examination for the licensure;	45694
(E) Standards of ethical conduct in the practice of occupational therapy;	45695 45696
(F) The form and manner for filing applications for renewal and a schedule of deadlines for renewal;	45697 45698
(G) The conditions under which a license of a licensee who files a late application for renewal will be reinstated;	45699 45700
(H) Placing an existing license in escrow;	45701
(I) The amount, scope, and nature of continuing education activities required for license renewal, including waivers of the continuing education requirements;	45702 45703 45704
(J) Guidelines for limited permits;	45705
(K) <u>(I)</u> Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	45706 45707
(L) <u>(J)</u> Subject to section 4755.061 of the Revised Code, the amount for each fee specified in section 4755.12 of the Revised Code that the section charges;	45708 45709 45710
(M) <u>(K)</u> The amount and content of corrective action courses required by the board under section 4755.11 of the Revised Code.	45711 45712
The section may hear testimony in matters relating to the duties imposed upon it, and the chairperson and secretary of the section may administer oaths. The section may require proof, beyond the evidence found in the application, of the honesty and truthfulness of any person named in an application for licensure, before admitting the applicant to an examination or issuing a license.	45713 45714 45715 45716 45717 45718 45719
Sec. 4755.08. The occupational therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board shall issue a license to every applicant who has passed the	45720 45721 45722

appropriate examination designated by the section and who 45723
otherwise complies with the licensure requirements of sections 45724
4755.04 to 4755.13 of the Revised Code. The license entitles the 45725
holder to practice occupational therapy or to assist in the 45726
practice of occupational therapy. The licensee shall display the 45727
license in a conspicuous place at the licensee's principal place 45728
of business. 45729

~~The section may issue a limited permit to persons who have 45730
satisfied the requirements of divisions (A) and (B) of section 45731
4755.07 of the Revised Code. This permit allows the person to 45732
practice as an occupational therapist or occupational therapy 45733
assistant under the supervision of a licensed occupational 45734
therapist and is valid until the date on which the results of the 45735
examination are made public. This limited permit shall not be 45736
renewed if the applicant has failed the examination. 45737~~

Sec. 4755.11. (A) In accordance with Chapter 119. of the 45738
Revised Code, the occupational therapy section of the Ohio 45739
occupational therapy, physical therapy, and athletic trainers 45740
board may suspend, revoke, or, except as provided in division (B) 45741
of this section, refuse to issue or renew an occupational 45742
therapist license, or occupational therapy assistant license, 45743
~~occupational therapist limited permit, occupational therapy 45744
assistant limited permit,~~ or may reprimand, fine, place a license 45745
~~or limited permit~~ holder on probation, or require the license ~~or~~ 45746
~~limited permit~~ holder to take corrective action courses, for any 45747
of the following: 45748

(1) Conviction of, or a judicial finding of eligibility for 45749
intervention in lieu of conviction for, an offense involving moral 45750
turpitude or a felony, regardless of the state or country in which 45751
the conviction or finding occurred; 45752

(2) Violation of any provision of sections 4755.04 to 4755.13 of the Revised Code;	45753 45754
(3) Violation of any lawful order or rule of the occupational therapy section;	45755 45756
(4) Obtaining or attempting to obtain a license or limited permit issued by the occupational therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement in relation to these activities;	45757 45758 45759 45760
(5) Negligence, unprofessional conduct, or gross misconduct in the practice of the profession of occupational therapy;	45761 45762
(6) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;	45763 45764
(7) Communicating, without authorization, information received in professional confidence;	45765 45766
(8) Using controlled substances, habit forming drugs, or alcohol to an extent that it impairs the ability to perform the work of an occupational therapist, <u>or</u> occupational therapy assistant, occupational therapist limited permit holder, or occupational therapy assistant limited permit holder;	45767 45768 45769 45770 45771
(9) Practicing in an area of occupational therapy for which the individual is untrained or incompetent;	45772 45773
(10) Failing the licensing or Ohio jurisprudence examination;	45774
(11) Aiding, abetting, directing, or supervising the unlicensed practice of occupational therapy;	45775 45776
(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	45777 45778 45779 45780
(13) Except as provided in division (C) of this section:	45781

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;

(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.

(14) Working or representing oneself as an occupational therapist, or occupational therapy assistant, ~~occupational therapist limited permit holder, or occupational therapy assistant limited permit holder~~ without a current and valid license ~~or limited permit~~ issued by the occupational therapy section;

(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;

(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;

(17) A departure from, or the failure to conform to, minimal standards of care required of licensees ~~or limited permit holders~~, whether or not actual injury to a patient is established;

(18) An adjudication by a court that the applicant, or licensee, ~~or limited permit holder~~ is incompetent for the purpose of holding a license ~~or limited permit~~ and has not thereafter been restored to legal capacity for that purpose;

(19)(a) Except as provided in division (A)(19)(b) of this section, failure to cooperate with an investigation conducted by the occupational therapy section, including failure to comply with

a subpoena or orders issued by the section or failure to answer 45813
truthfully a question presented by the section at a deposition or 45814
in written interrogatories. 45815

(b) Failure to cooperate with an investigation does not 45816
constitute grounds for discipline under this section if a court of 45817
competent jurisdiction issues an order that either quashes a 45818
subpoena or permits the individual to withhold the testimony or 45819
evidence at issue. 45820

(20) Conviction of, or a judicial finding of eligibility for 45821
intervention in lieu of conviction for, a misdemeanor reasonably 45822
related to the practice of occupational therapy, regardless of the 45823
state or country in which the conviction or finding occurred; 45824

(21) Inability to practice according to acceptable and 45825
prevailing standards of care because of mental or physical 45826
illness, including physical deterioration that adversely affects 45827
cognitive, motor, or perception skills; 45828

(22) Violation of conditions, limitations, or agreements 45829
placed by the occupational therapy section on a license ~~or limited~~ 45830
~~permit~~ to practice; 45831

(23) Making a false, fraudulent, deceptive, or misleading 45832
statement in the solicitation of or advertising for patients in 45833
relation to the practice of occupational therapy; 45834

(24) Failure to complete continuing education requirements as 45835
prescribed in rules adopted by the occupational therapy section 45836
under section 4755.06 of the Revised Code; 45837

(25) Regardless of whether it is consensual, engaging in any 45838
of the following with a patient other than the spouse of the 45839
occupational therapist or occupational therapy assistant: 45840

(a) Sexual conduct, as defined in section 2907.01 of the 45841
Revised Code; 45842

(b) Sexual contact, as defined in section 2907.01 of the 45843
Revised Code; 45844

(c) Verbal behavior that is sexually demeaning to the patient 45845
or may be reasonably interpreted by the patient as sexually 45846
demeaning. 45847

(B) The occupational therapy section shall not refuse to 45848
issue a license ~~or limited permit~~ to an applicant because of a 45849
criminal conviction unless the refusal is in accordance with 45850
section 9.79 of the Revised Code. 45851

(C) Sanctions shall not be imposed under division (A)(13) of 45852
this section against any individual who waives deductibles and 45853
copayments as follows: 45854

(1) In compliance with the health benefit plan that expressly 45855
allows such a practice. Waiver of the deductibles or copayments 45856
shall be made only with the full knowledge and consent of the plan 45857
purchaser, payer, and third-party administrator. Documentation of 45858
the consent shall be made available to the section upon request. 45859

(2) For professional services rendered to any other person 45860
licensed pursuant to sections 4755.04 to 4755.13 of the Revised 45861
Code to the extent allowed by those sections and the rules of the 45862
occupational therapy section. 45863

(D) Except as provided in division (E) of this section, the 45864
suspension or revocation of a license ~~or limited permit~~ under this 45865
section is not effective until either the order for suspension or 45866
revocation has been affirmed following an adjudication hearing, or 45867
the time for requesting a hearing has elapsed. 45868

When a license ~~or limited permit~~ is revoked under this 45869
section, application for reinstatement may not be made sooner than 45870
one year after the date of revocation. The occupational therapy 45871
section may accept or refuse an application for reinstatement and 45872
may require that the applicant pass an examination as a condition 45873

of reinstatement. 45874

When a license ~~or limited permit~~ holder is placed on 45875
probation under this section, the occupational therapy section's 45876
probation order shall be accompanied by a statement of the 45877
conditions under which the individual may be removed from 45878
probation and restored to unrestricted practice. 45879

(E) On receipt of a complaint that a person who holds a 45880
license ~~or limited permit~~ issued by the occupational therapy 45881
section has committed any of the prohibited actions listed in 45882
division (A) of this section, the section may immediately suspend 45883
the license ~~or limited permit~~ prior to holding a hearing in 45884
accordance with Chapter 119. of the Revised Code if it determines, 45885
based on the complaint, that the licensee ~~or limited permit holder~~ 45886
poses an immediate threat to the public. The section may review 45887
the allegations and vote on the suspension by telephone conference 45888
call. If the section votes to suspend a license ~~or limited permit~~ 45889
under this division, the section shall issue a written order of 45890
summary suspension to the licensee ~~or limited permit holder~~ in 45891
accordance with section 119.07 of the Revised Code. If the 45892
individual whose license ~~or limited permit~~ is suspended fails to 45893
make a timely request for an adjudication under Chapter 119. of 45894
the Revised Code, the section shall enter a final order 45895
permanently revoking the individual's license ~~or limited permit~~. 45896
Notwithstanding section 119.12 of the Revised Code, a court of 45897
common pleas shall not grant a suspension of the section's order 45898
of summary suspension pending the determination of an appeal filed 45899
under that section. Any order of summary suspension issued under 45900
this division shall remain in effect, unless reversed on appeal, 45901
until a final adjudication order issued by the section pursuant to 45902
division (A) of this section becomes effective. The section shall 45903
issue its final adjudication order regarding an order of summary 45904
suspension issued under this division not later than ninety days 45905

after completion of its hearing. Failure to issue the order within 45906
ninety days shall result in immediate dissolution of the 45907
suspension order, but shall not invalidate any subsequent, final 45908
adjudication order. 45909

(F) If any person other than a person who holds a license ~~or~~ 45910
~~limited permit~~ issued under section 4755.08 of the Revised Code 45911
has engaged in any practice that is prohibited under sections 45912
4755.04 to 4755.13 of the Revised Code or the rules of the 45913
occupational therapy section, the section may apply to the court 45914
of common pleas of the county in which the violation occurred, for 45915
an injunction or other appropriate order restraining this conduct, 45916
and the court shall issue this order. 45917

Sec. 4755.12. (A) The occupational therapy section of the 45918
Ohio occupational therapy, physical therapy, and athletic trainers 45919
board may charge any or all of the following fees: 45920

(1) A nonrefundable examination fee, which is to be paid at 45921
the time of application for licensure; 45922

(2) An application fee for an initial license; 45923

(3) An initial licensure fee; 45924

(4) A fee for biennial renewal of a license; 45925

(5) A fee for late renewal of a license; 45926

(6) A fee for the review of continuing education activities; 45927

(7) ~~A fee for a limited permit;~~ 45928

~~(8) A fee for verification of a license.~~ 45929

(B) ~~Any person who is qualified to practice occupational~~ 45930
~~therapy as certified by the section, but who is not in the active~~ 45931
~~practice, as defined by section rule, may register with the~~ 45932
~~section as a nonactive licensee at a biennial fee.~~ 45933

~~(C) The section may, by rule, provide for the waiver of all~~ 45934

or part of a fee when the license is issued less than one hundred 45935
days before the date on which it will expire. 45936

~~(D)~~(C) Except when all or part of a fee is waived under 45937
division ~~(C)~~(B) of this section, the amount charged by the 45938
occupational therapy section for each of its fees shall be the 45939
applicable amount established in rules adopted under section 45940
4755.06 of the Revised Code. 45941

Sec. 4755.42. (A) Each person ~~who desires to practice~~ seeking 45942
licensure as a physical therapy therapist shall file with the 45943
physical therapy section of the Ohio occupational therapy, 45944
physical therapy, and athletic trainers board an application that 45945
includes the following: 45946

(1) Name; 45947

(2) Current address; 45948

(3) ~~Physical description and photograph;~~ 45949

~~(4) Proof of completion of graduation from a master's or~~ 45950
~~doctorate~~ professional physical therapy program ~~of physical~~ 45951
~~therapy education~~ that is accredited by a national physical 45952
therapy accreditation agency ~~recognized~~ approved by the United 45953
States ~~department of education and that includes:~~ 45954

~~(a) A minimum of one hundred twenty academic semester credits~~ 45955
~~or its equivalent, including courses in the biological and other~~ 45956
~~physical sciences;~~ 45957

~~(b) A course in physical therapy education that has provided~~ 45958
~~instruction in basic sciences, clinical sciences, and physical~~ 45959
~~therapy theory and procedures~~ physical therapy section. 45960

(B) On making application under division (A) of this section, 45961
the applicant shall pay a fee of not more than one hundred 45962
twenty-five dollars for the license. 45963

(C) The physical therapy section shall approve an ~~application~~ applicant to sit for the examination required under division (A) of section 4755.43 of the Revised Code not later than one hundred twenty days after receiving an application that the section considers complete unless the board has done either of the following:

(1) Requested documents relevant to the section's evaluation of the application;

(2) Notified the applicant in writing of the section's intent to deny a license and the applicant's right to request a hearing in accordance with Chapter 119. of the Revised Code to appeal the section's intent to deny a license.

(D) If the section fails to comply with division (C) of this section, the section shall refund one-half of the application fee to the applicant.

Sec. 4755.421. (A) Each ~~applicant~~ person seeking licensure as a physical therapist assistant shall file with the physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board an application that includes the following:

(1) Name;

(2) Current address;

(3) ~~Physical description and photograph;~~

~~(4) Proof of completion of graduation from a professional physical therapist assistant program of education that is accredited by a national physical therapy accreditation agency recognized approved by the United States department of education physical therapy section.~~

(B) On making application under division (A) of this section, the applicant shall pay a fee of not more than one hundred

twenty-five dollars for the license. 45994

(C)(1) The physical therapy section shall approve an 45995
applicant to sit for the examination required under division (A) 45996
of section 4755.431 of the Revised Code not later than one hundred 45997
twenty days after receiving an application that the section 45998
considers complete unless the board has done either of the 45999
following: 46000

(a) Requested documents relevant to the section's evaluation 46001
of the application; 46002

(b) Notified the applicant in writing of the section's intent 46003
to deny a license and the applicant's right to request a hearing 46004
in accordance with Chapter 119. of the Revised Code to appeal the 46005
section's intent to deny a license. 46006

(2) If the section fails to comply with division (C)(1) of 46007
this section, the section shall refund half of the application fee 46008
to the applicant. 46009

Sec. 4755.47. (A) In accordance with Chapter 119. of the 46010
Revised Code, the physical therapy section of the Ohio 46011
occupational therapy, physical therapy, and athletic trainers 46012
board may, except as provided in division (B) of this section, 46013
refuse to grant a license to an applicant for an initial or 46014
renewed license as a physical therapist or physical therapist 46015
assistant or, by an affirmative vote of not less than five 46016
members, may limit, suspend, or revoke the license of a physical 46017
therapist or physical therapist assistant or reprimand, fine, 46018
place a license holder on probation, or require the license holder 46019
to take corrective action courses, on any of the following 46020
grounds: 46021

(1) Habitual indulgence in the use of controlled substances, 46022
other habit-forming drugs, or alcohol to an extent that affects 46023

the individual's professional competency;	46024
(2) Conviction of, <u>or a judicial finding of eligibility for</u>	46025
<u>intervention in lieu of conviction for,</u> a felony or a crime	46026
involving moral turpitude, regardless of the state or country in	46027
which the conviction <u>or finding</u> occurred;	46028
(3) Obtaining or attempting to obtain a license issued by the	46029
physical therapy section by fraud or deception, including the	46030
making of a false, fraudulent, deceptive, or misleading statement;	46031
(4) An adjudication by a court, as provided in section	46032
5122.301 of the Revised Code, that the applicant or licensee is	46033
incompetent for the purpose of holding the license and has not	46034
thereafter been restored to legal capacity for that purpose;	46035
(5) Subject to section 4755.471 of the Revised Code,	46036
violation of the code of ethics adopted by the physical therapy	46037
section;	46038
(6) Violating or attempting to violate, directly or	46039
indirectly, or assisting in or abetting the violation of or	46040
conspiring to violate sections 4755.40 to 4755.56 of the Revised	46041
Code or any order issued or rule adopted under those sections;	46042
(7) Failure of one or both of the examinations required under	46043
section 4755.43 or 4755.431 of the Revised Code;	46044
(8) Permitting the use of one's name or license by a person,	46045
group, or corporation when the one permitting the use is not	46046
directing the treatment given;	46047
(9) Denial, revocation, suspension, or restriction of	46048
authority to practice a health care occupation, including physical	46049
therapy, for any reason other than a failure to renew, in Ohio or	46050
another state or jurisdiction;	46051
(10) Failure to maintain minimal standards of practice in the	46052
administration or handling of drugs, as defined in section 4729.01	46053

of the Revised Code, or failure to employ acceptable scientific 46054
methods in the selection of drugs, as defined in section 4729.01 46055
of the Revised Code, or other modalities for treatment; 46056

(11) Willful betrayal of a professional confidence; 46057

(12) Making a false, fraudulent, deceptive, or misleading 46058
statement in the solicitation of or advertising for patients in 46059
relation to the practice of physical therapy; 46060

(13) A departure from, or the failure to conform to, minimal 46061
standards of care required of licensees when under the same or 46062
similar circumstances, whether or not actual injury to a patient 46063
is established; 46064

(14) Obtaining, or attempting to obtain, money or anything of 46065
value by fraudulent misrepresentations in the course of practice; 46066

(15) Violation of the conditions of limitation or agreements 46067
placed by the physical therapy section on a license to practice; 46068

(16) Failure to renew a license in accordance with section 46069
4755.46 of the Revised Code; 46070

(17) Except as provided in section 4755.471 of the Revised 46071
Code, engaging in the division of fees for referral of patients or 46072
receiving anything of value in return for a specific referral of a 46073
patient to utilize a particular service or business; 46074

(18) Inability to practice according to acceptable and 46075
prevailing standards of care because of mental illness or physical 46076
illness, including physical deterioration that adversely affects 46077
cognitive, motor, or perception skills; 46078

(19) The revocation, suspension, restriction, or termination 46079
of clinical privileges by the United States department of defense 46080
or department of veterans affairs; 46081

(20) Termination or suspension from participation in the 46082
medicare or medicaid program established under Title XVIII and 46083

Title XIX, respectively, of the "Social Security Act," 49 Stat. 46084
620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 46085
constitute a violation of sections 4755.40 to 4755.56 of the 46086
Revised Code; 46087

(21) Failure of a physical therapist to maintain supervision 46088
of a student, physical therapist assistant, unlicensed support 46089
personnel, other assistant personnel, or a license applicant in 46090
accordance with the requirements of sections 4755.40 to 4755.56 of 46091
the Revised Code and rules adopted under those sections; 46092

(22) Failure to complete continuing education requirements as 46093
prescribed in section 4755.51 or 4755.511 of the Revised Code or 46094
to satisfy any rules applicable to continuing education 46095
requirements that are adopted by the physical therapy section; 46096

(23) Conviction, or a judicial finding of eligibility for 46097
intervention in lieu of conviction for, of a misdemeanor when the 46098
act that constitutes the misdemeanor occurs during the practice of 46099
physical therapy; 46100

(24)(a) Except as provided in division (A)(24)(b) of this 46101
section, failure to cooperate with an investigation conducted by 46102
the physical therapy section, including failure to comply with a 46103
subpoena or orders issued by the section or failure to answer 46104
truthfully a question presented by the section at a deposition or 46105
in written interrogatories. 46106

(b) Failure to cooperate with an investigation does not 46107
constitute grounds for discipline under this section if a court of 46108
competent jurisdiction issues an order that either quashes a 46109
subpoena or permits the individual to withhold the testimony or 46110
evidence at issue. 46111

(25) Regardless of whether ~~the contact or verbal behavior it~~ 46112
is consensual, engaging in any of the following with a patient 46113
other than the spouse of the physical therapist or physical 46114

therapist assistant, in any of the following:	46115
(a) <u>Sexual conduct, as defined in section 2907.01 of the Revised Code;</u>	46116 46117
<u>(b)</u> Sexual contact, as defined in section 2907.01 of the Revised Code;	46118 46119
(b) <u>(c)</u> Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	46120 46121 46122
(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;	46123 46124 46125
(27) Except as provided in division (C) of this section:	46126
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	46127 46128 46129 46130 46131 46132
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.	46133 46134 46135 46136 46137
(28) Violation of any section of this chapter or rule adopted under it.	46138 46139
(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.	46140 46141 46142 46143
(C) Sanctions shall not be imposed under division (A)(27) of	46144

this section against any individual who waives deductibles and 46145
copayments as follows: 46146

(1) In compliance with the health benefit plan that expressly 46147
allows such a practice. Waiver of the deductibles or copayments 46148
shall be made only with the full knowledge and consent of the plan 46149
purchaser, payer, and third-party administrator. Documentation of 46150
the consent shall be made available to the physical therapy 46151
section upon request. 46152

(2) For professional services rendered to any other person 46153
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 46154
Code to the extent allowed by those sections and the rules of the 46155
physical therapy section. 46156

(D) When a license is revoked under this section, application 46157
for reinstatement may not be made sooner than one year after the 46158
date of revocation. The physical therapy section may accept or 46159
refuse an application for reinstatement and may require that the 46160
applicant pass an examination as a condition for reinstatement. 46161

When a license holder is placed on probation under this 46162
section, the physical therapy section's order for placement on 46163
probation shall be accompanied by a statement of the conditions 46164
under which the individual may be removed from probation and 46165
restored to unrestricted practice. 46166

(E) When an application for an initial or renewed license is 46167
refused under this section, the physical therapy section shall 46168
notify the applicant in writing of the section's decision to 46169
refuse issuance of a license and the reason for its decision. 46170

(F) On receipt of a complaint that a person licensed by the 46171
physical therapy section has committed any of the actions listed 46172
in division (A) of this section, the physical therapy section may 46173
immediately suspend the license of the physical therapist or 46174
physical therapist assistant prior to holding a hearing in 46175

accordance with Chapter 119. of the Revised Code if it determines, 46176
based on the complaint, that the person poses an immediate threat 46177
to the public. The physical therapy section may review the 46178
allegations and vote on the suspension by telephone conference 46179
call. If the physical therapy section votes to suspend a license 46180
under this division, the physical therapy section shall issue a 46181
written order of summary suspension to the person in accordance 46182
with section 119.07 of the Revised Code. If the person fails to 46183
make a timely request for an adjudication under Chapter 119. of 46184
the Revised Code, the physical therapy section shall enter a final 46185
order permanently revoking the person's license. Notwithstanding 46186
section 119.12 of the Revised Code, a court of common pleas shall 46187
not grant a suspension of the physical therapy section's order of 46188
summary suspension pending the determination of an appeal filed 46189
under that section. Any order of summary suspension issued under 46190
this division shall remain in effect, unless reversed on appeal, 46191
until a final adjudication order issued by the physical therapy 46192
section pursuant to division (A) of this section becomes 46193
effective. The physical therapy section shall issue its final 46194
adjudication order regarding an order of summary suspension issued 46195
under this division not later than ninety days after completion of 46196
its hearing. Failure to issue the order within ninety days shall 46197
result in immediate dissolution of the suspension order, but shall 46198
not invalidate any subsequent, final adjudication order. 46199

Sec. 4755.48. (A) No person shall employ fraud or deception 46200
in applying for or securing a license to practice physical therapy 46201
or to be a physical therapist assistant. 46202

(B) No person shall practice or in any way imply or claim to 46203
the public by words, actions, or the use of letters as described 46204
in division (C) of this section to be able to practice physical 46205
therapy or to provide physical therapy services, including 46206
practice as a physical therapist assistant, unless the person 46207

holds a valid license under sections 4755.40 to 4755.56 of the Revised Code or except for submission of claims as provided in section 4755.56 of the Revised Code.

(C) No person shall use the words or letters, physical therapist, physical therapy, physical therapy services, physiotherapist, physiotherapy, physiotherapy services, licensed physical therapist, P.T., Ph.T., P.T.T., R.P.T., L.P.T., M.P.T., D.P.T., M.S.P.T., P.T.A., physical therapy assistant, physical therapist assistant, physical therapy technician, licensed physical therapist assistant, L.P.T.A., R.P.T.A., or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a physical therapist or physical therapist assistant without a valid license under sections 4755.40 to 4755.56 of the Revised Code.

(D) No person who practices physical therapy or assists in the provision of physical therapy treatments under the supervision of a physical therapist shall fail to display the person's current license granted under sections 4755.40 to 4755.56 of the Revised Code in a conspicuous location in the place where the person spends the major part of the person's time so engaged.

(E) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall affect or interfere with the performance of the duties of any physical therapist or physical therapist assistant in active service in the army, navy, coast guard, marine corps, air force, public health service, or marine hospital service of the United States, while so serving.

(F) Nothing in sections 4755.40 to 4755.56 of the Revised Code shall prevent or restrict the activities or services of a person pursuing a course of study leading to a degree in physical therapy in an accredited or approved educational program if the activities or services constitute a part of a supervised course of study and the person is designated by a title that clearly

indicates the person's status as a student. 46240

(G)(1) Subject to division (G)(2) of this section, nothing in 46241
sections 4755.40 to 4755.56 of the Revised Code shall prevent or 46242
restrict the activities or services of any person who holds a 46243
current, unrestricted license to practice physical therapy in 46244
another state when that person, pursuant to contract or employment 46245
with an athletic team located in the state in which the person 46246
holds the license, provides physical therapy to any of the 46247
following while the team is traveling to or from or participating 46248
in a sporting event in this state: 46249

(a) A member of the athletic team; 46250

(b) A member of the athletic team's coaching, communications, 46251
equipment, or sports medicine staff; 46252

(c) A member of a band or cheerleading squad accompanying the 46253
athletic team; 46254

(d) The athletic team's mascot. 46255

(2) In providing physical therapy pursuant to division (G)(1) 46256
of this section, the person shall not do either of the following: 46257

(a) Provide physical therapy at a health care facility; 46258

(b) Provide physical therapy for more than sixty days in a 46259
calendar year. 46260

(H)(1) Except as provided in division (H)(2) of this section 46261
and subject to division (I) of this section, no person shall 46262
practice physical therapy other than on the prescription of, or 46263
the referral of a patient by, a person who is licensed in this or 46264
another state to do at least one of the following: 46265

(a) Practice medicine and surgery, chiropractic, dentistry, 46266
osteopathic medicine and surgery, podiatric medicine and surgery; 46267

(b) Practice as a physician assistant; 46268

(c) Practice nursing as an advanced practice registered nurse. 46269
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(2) The prohibition in division (H)(1) of this section on practicing physical therapy other than on the prescription of, or the referral of a patient by, any of the persons described in that division does not apply if either of the following applies to the person: 46271
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(a) The person holds a master's or doctorate degree from a professional physical therapy program that is accredited by a national physical therapy accreditation agency ~~recognized~~ approved by the ~~United States department of education~~ physical therapy section of the Ohio occupational therapy, physical therapy, and athletic trainers board. 46276
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(b) On or before December 31, 2004, the person has completed at least two years of practical experience as a licensed physical therapist. 46282
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(I) To be authorized to prescribe physical therapy or refer a patient to a physical therapist for physical therapy, a person described in division (H)(1) of this section must be in good standing with the relevant licensing board in this state or the state in which the person is licensed and must act only within the person's scope of practice. 46285
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(J) In the prosecution of any person for violation of division (B) or (C) of this section, it is not necessary to allege or prove want of a valid license to practice physical therapy or to practice as a physical therapist assistant, but such matters shall be a matter of defense to be established by the accused. 46291
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Sec. 4755.64. (A) In accordance with Chapter 119. of the Revised Code, the athletic trainers section of the Ohio occupational therapy, physical therapy, and athletic trainers 46296
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board may suspend, revoke, or, except as provided in division (B) 46299
of this section, refuse to issue or renew an athletic trainers 46300
license, or reprimand, fine, or place a licensee on probation, for 46301
any of the following: 46302

(1) Conviction, or a judicial finding of eligibility for 46303
intervention in lieu of conviction for, of a felony or offense 46304
involving moral turpitude, regardless of the state or country in 46305
which the conviction or finding occurred; 46306

(2) Violation of sections 4755.61 to 4755.65 of the Revised 46307
Code or any order issued or rule adopted thereunder; 46308

(3) Obtaining a license through fraud, false or misleading 46309
representation, or concealment of material facts; 46310

(4) Negligence or gross misconduct in the practice of 46311
athletic training; 46312

(5) Violating the standards of ethical conduct in the 46313
practice of athletic training as adopted by the athletic trainers 46314
section under section 4755.61 of the Revised Code; 46315

(6) Using any controlled substance or alcohol to the extent 46316
that the ability to practice athletic training at a level of 46317
competency is impaired; 46318

(7) Practicing in an area of athletic training for which the 46319
individual is untrained, incompetent, or practicing without the 46320
referral of a practitioner licensed under Chapter 4731. of the 46321
Revised Code, a dentist licensed under Chapter 4715. of the 46322
Revised Code, a chiropractor licensed under Chapter 4734. of the 46323
Revised Code, or a physical therapist licensed under this chapter; 46324

(8) Employing, directing, or supervising a person in the 46325
performance of athletic training procedures who is not authorized 46326
to practice as a licensed athletic trainer under this chapter; 46327

(9) Misrepresenting educational attainments or the functions 46328

the individual is authorized to perform for the purpose of 46329
obtaining some benefit related to the individual's athletic 46330
training practice; 46331

(10) Failing the licensing examination; 46332

(11) Aiding or abetting the unlicensed practice of athletic 46333
training; 46334

(12) Denial, revocation, suspension, or restriction of 46335
authority to practice a health care occupation, including athletic 46336
training, for any reason other than a failure to renew, in Ohio or 46337
another state or jurisdiction; 46338

(13) Regardless of whether it is consensual, engaging in any 46339
of the following with a patient other than the spouse of the 46340
athletic trainer: 46341

(a) Sexual conduct, as defined in section 2907.01 of the 46342
Revised Code; 46343

(b) Sexual contact, as defined in section 2907.01 of the 46344
Revised Code; 46345

(c) Verbal behavior that is sexually demeaning to the patient 46346
or may be reasonably interpreted by the patient as sexually 46347
demeaning. 46348

(B) The athletic trainers section shall not refuse to issue a 46349
license to an applicant because of a criminal conviction unless 46350
the refusal is in accordance with section 9.79 of the Revised 46351
Code. 46352

(C) If the athletic trainers section places a licensee on 46353
probation under division (A) of this section, the section's order 46354
for placement on probation shall be accompanied by a written 46355
statement of the conditions under which the person may be removed 46356
from probation and restored to unrestricted practice. 46357

(D) A licensee whose license has been revoked under division 46358

(A) of this section may apply to the athletic trainers section for reinstatement of the license one year following the date of revocation. The athletic trainers section may accept or deny the application for reinstatement and may require that the applicant pass an examination as a condition for reinstatement.

(E) On receipt of a complaint that a person licensed by the athletic trainers section has committed any of the prohibited actions listed in division (A) of this section, the section may immediately suspend the license of a licensed athletic trainer prior to holding a hearing in accordance with Chapter 119. of the Revised Code if it determines, based on the complaint, that the licensee poses an immediate threat to the public. The section may review the allegations and vote on the suspension by telephone conference call. If the section votes to suspend a license under this division, the section shall issue a written order of summary suspension to the licensed athletic trainer in accordance with section 119.07 of the Revised Code. If the individual whose license is suspended fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the section shall enter a final order permanently revoking the individual's license. Notwithstanding section 119.12 of the Revised Code, a court of common pleas shall not grant a suspension of the section's order of summary suspension pending the determination of an appeal filed under that section. Any order of summary suspension issued under this division shall remain in effect, unless reversed on appeal, until a final adjudication order issued by the section pursuant to division (A) of this section becomes effective. The section shall issue its final adjudication order regarding an order of summary suspension issued under this division not later than ninety days after completion of its hearing. Failure to issue the order within ninety days shall result in immediate dissolution of the suspension order, but shall not invalidate any subsequent, final adjudication order.

Sec. 4757.10. (A) The counselor, social worker, and marriage and family therapist board may adopt any rules necessary to carry out this chapter.	46392 46393 46394
(B) The board shall adopt rules that do all of the following:	46395
(1) Concern intervention for and treatment of any impaired person holding a license or certificate of registration issued under this chapter;	46396 46397 46398
(2) Establish standards for training and experience of supervisors described in division (C) of section 4757.30 of the Revised Code;	46399 46400 46401
(3) Establish requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	46402 46403
(4) Establish a graduated system of fines based on the scope and severity of violations and the history of compliance, not to exceed five hundred dollars per incident, that any professional standards committee of the board may charge for a disciplinary violation described in section 4757.36 of the Revised Code;	46404 46405 46406 46407 46408
(5) Establish the amount and content of corrective action courses required by the board under section 4757.36 of the Revised Code;	46409 46410 46411
(6) Provide for voluntary registration of all of the following:	46412 46413
(a) Master's level counselor trainees enrolled in practice and internships;	46414 46415
(b) Master's level social worker trainees enrolled in fieldwork, practice, and internships;	46416 46417
(c) Master's level marriage and family therapist trainees enrolled in practice and internships.	46418 46419
(7) <u>In the case of an individual who is voluntarily</u>	46420

registered as a trainee under division (B)(6) of this section and 46421
who has graduated but not yet completed all requirements for 46422
licensure, provide for an extension of the individual's 46423
registration for a period of six months beginning on the date of 46424
the individual's graduation. 46425

(8) Establish a schedule of deadlines for renewal. 46426

(C) Rules adopted under division (B)(6) of this section shall 46427
not require a trainee to register with the board, and if a trainee 46428
has not registered, shall prohibit any adverse effect with respect 46429
to a trainee's application for licensure by the board. 46430

(D) All rules adopted under this section shall be adopted in 46431
accordance with Chapter 119. of the Revised Code. When it adopts 46432
rules under this section or any other section of this chapter, the 46433
board may consider standards established by any national 46434
association or other organization representing the interests of 46435
those involved in professional counseling, social work, or 46436
marriage and family therapy. 46437

Sec. 4763.15. Except for moneys required to be transferred 46438
into the real estate appraiser recovery fund pursuant to section 46439
4763.16 of the Revised Code or as required pursuant to this 46440
section, the superintendent of real estate may deposit all fees 46441
collected under this chapter into the state treasury to the credit 46442
of the real estate appraiser operating fund, which is hereby 46443
created. All operating expenses of the real estate appraiser board 46444
and the superintendent of real estate relating to the 46445
administration and enforcement of this chapter and Chapter 4768. 46446
of the Revised Code shall be paid from this fund. The fund shall 46447
be assessed a proportionate share of the administrative cost of 46448
the department of commerce in accordance with procedures 46449
prescribed by the director of commerce ~~and approved by the~~ 46450
~~director of budget and management,~~ and the assessment shall be 46451

paid from the operating fund to the division of administration 46452
fund. 46453

If, in any biennium, the director of commerce determines that 46454
moneys in the operating fund exceed those necessary to fund the 46455
activities of the board and of the superintendent of real estate 46456
that relate to this chapter and Chapter 4768. of the Revised Code, 46457
the director may pay the excess funds to the real estate appraiser 46458
recovery fund. 46459

Sec. 4779.28. (A) The Ohio occupational therapy, physical 46460
therapy, and athletic trainers board ~~may~~, pursuant to an 46461
adjudication under Chapter 119. of the Revised Code, and except as 46462
provided in division (B) of this section, may limit, revoke, or 46463
suspend a license issued under this chapter, may refuse to issue a 46464
license to an applicant, or may reprimand ~~or, fine,~~ place a 46465
license holder on probation ~~a, or may require the~~ license holder 46466
to take corrective action courses, for any of the following 46467
reasons: 46468

(1) Conviction of, ~~or~~ a plea of guilty to, or a judicial 46469
finding of eligibility for intervention in lieu of conviction for, 46470
a misdemeanor or felony involving moral turpitude; 46471

(2) Any violation of this chapter; 46472

(3) Committing fraud, misrepresentation, or deception in 46473
applying for or securing a license issued under this chapter; 46474

(4) Habitual use of drugs or intoxicants to the extent that 46475
it renders the person unfit to practice; 46476

(5) Violation of any rule adopted by the board under section 46477
4779.08 of the Revised Code; 46478

(6) A departure from, or failure to conform to, minimal 46479
standards of care of similar orthotists, prosthetists, 46480

orthotists-prosthetists, or pedorthists under the same or similar 46481
circumstances, regardless of whether actual injury to a patient is 46482
established; 46483

(7) Obtaining or attempting to obtain money or anything of 46484
value by fraudulent misrepresentation in the course of practice; 46485

(8) Publishing a false, fraudulent, deceptive, or misleading 46486
statement; 46487

(9) Waiving the payment of all or part of a deductible or 46488
copayment that a patient, pursuant to a health insurance or health 46489
care policy, contract, or plan, would otherwise be required to 46490
pay, if the waiver is used as an enticement to a patient or group 46491
of patients to receive health care services from a person who 46492
holds a license issued under this chapter; 46493

(10) Advertising that a person who holds a license issued 46494
under this chapter will waive the payment of all or part of a 46495
deductible or copayment that a patient, pursuant to a health 46496
insurance or health care policy, contract, or plan, that covers 46497
the person's services, would otherwise be required to pay; 46498

(11) Denial, revocation, suspension, or restriction of 46499
authority to practice a health care occupation, including 46500
orthotics, prosthetics, or pedorthics, for any reason other than a 46501
failure to renew, in Ohio or another state or jurisdiction; 46502

(12) Regardless of whether it is consensual, engaging in any 46503
of the following with a patient other than the spouse of the 46504
orthotist, prosthetist, orthotist-prosthetist, or pedorthist: 46505

(a) Sexual contact, as defined in section 2907.01 of the 46506
Revised Code; 46507

(b) Sexual conduct, as defined in section 2907.01 of the 46508
Revised Code; 46509

(c) Verbal behavior that is sexually demeaning to the patient 46510

or may be reasonably interpreted by the patient as sexually 46511
demeaning. 46512

(B) The board shall not refuse to issue a license to an 46513
applicant because of a conviction of or plea of guilty to an 46514
offense unless the refusal is in accordance with section 9.79 of 46515
the Revised Code. 46516

(C) For the purpose of investigating whether a person is 46517
engaging or has engaged in conduct described in division (A) of 46518
this section, the board may administer oaths, order the taking of 46519
depositions, issue subpoenas, examine witnesses, and compel the 46520
attendance of witnesses and production of books, accounts, papers, 46521
records, documents, and testimony. 46522

Sec. 4779.281. A person sanctioned under section 4779.28 of 46523
the Revised Code shall pay a fee in the amount of the actual cost 46524
of the administrative hearing, including the cost of the court 46525
reporter, the hearing officer, transcripts, and any witness fees 46526
for lodging and travel, as determined by the Ohio occupational 46527
therapy, physical therapy, and athletic trainers board. The fee 46528
shall be collected by the board. 46529

Sec. 4779.33. (A) The Ohio occupational therapy, physical 46530
therapy, and athletic trainers board shall enforce the laws 46531
relating to the practice of orthotics, prosthetics, and 46532
pedorthics. If the ~~secretary of the~~ board has knowledge of a 46533
violation, the ~~secretary~~ board shall investigate the violation and 46534
notify the prosecuting attorney of the proper county. 46535

(B)(1) Subject to division (B)(2) of this section, 46536
information and records received or generated by the board 46537
pursuant to an investigation are confidential, are not public 46538
records as defined in section 149.43 of the Revised Code, and are 46539
not subject to discovery in any civil or administrative action. 46540

(2) For good cause, the board may disclose information gathered pursuant to an investigation to any federal, state, or local law enforcement, prosecutorial, or regulatory agency or its officers or agents engaging in an investigation the board believes is within the agency's jurisdiction. An agency that receives confidential information shall comply with the same requirements regarding confidentiality as those with which the board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency that applies when the agency is dealing with other information in its possession. The information may be admitted into evidence in a criminal trial in accordance with the Rules of Evidence, or in an administrative hearing conducted by an agency, but the court or agency shall require that appropriate measures be taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients, complainants, or others whose confidentiality was protected by the board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court or agency include sealing its records or redacting specific information from its records.

Sec. 4781.04. (A) The department of commerce, division of industrial compliance shall adopt rules pursuant to Chapter 119. of the Revised Code to do all of the following:

(1) Establish uniform standards that govern the installation of manufactured housing that are consistent with, and not less stringent than, the model standards for the design and installation of manufactured housing the secretary of the United States department of housing and urban development adopts;

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the division of industrial

compliance, any building department or personnel of any 46572
department, or any private third party, certified pursuant to 46573
section 4781.07 of the Revised Code shall conduct all inspections 46574
of the installation of manufactured housing located in 46575
manufactured home parks to determine compliance with the uniform 46576
installation standards the division of industrial compliance 46577
establishes pursuant to this section. 46578

(3) Govern the design, construction, installation, approval, 46579
and inspection of foundations and the base support systems for 46580
manufactured housing. The rules shall specify that the division of 46581
industrial compliance, any building department or personnel of any 46582
department, or any private third party, certified pursuant to 46583
section 4781.07 of the Revised Code shall conduct all inspections 46584
of the installation, foundations, and base support systems of 46585
manufactured housing located in manufactured home parks to 46586
determine compliance with the uniform installation standards and 46587
foundation and base support system design the division of 46588
industrial compliance establishes pursuant to this section. 46589

(4) Govern the training, experience, and education 46590
requirements for manufactured housing installers; 46591

(5) Establish a code of ethics for manufactured housing 46592
installers; 46593

(6) Govern the issuance, revocation, and suspension of 46594
licenses to manufactured housing installers; 46595

(7) Establish fees for the issuance and renewal of licenses, 46596
for conducting inspections to determine an applicant's compliance 46597
with this chapter and the rules adopted pursuant to it, and for 46598
the division's expenses incurred in implementing this chapter; 46599

(8) Establish conditions under which a licensee may enter 46600
into contracts to fulfill the licensee's responsibilities; 46601

(9) Govern the investigation of complaints concerning any 46602

complaints involving the conduct of any licensed manufactured 46603
housing installer or person installing manufactured housing 46604
without a license; 46605

(10) Establish a dispute resolution program for the timely 46606
resolution of warranty issues involving new manufactured homes, 46607
disputes regarding responsibility for the correction or repair of 46608
defects in manufactured housing, and the installation of 46609
manufactured housing. The rules shall provide for the timely 46610
resolution of disputes between manufacturers, manufactured housing 46611
dealers, and installers regarding the correction or repair of 46612
defects in manufactured housing that are reported by the purchaser 46613
of the home during the one-year period beginning on the date of 46614
installation of the home. The rules also shall provide that 46615
decisions made regarding the dispute under the program are not 46616
binding upon the purchaser of the home or the other parties 46617
involved in the dispute unless the purchaser so agrees in a 46618
written acknowledgement that the purchaser signs and delivers to 46619
the program within ten business days after the decision is issued. 46620

(11) Establish the requirements and procedures for the 46621
certification of building departments and building department 46622
personnel pursuant to section 4781.07 of the Revised Code; 46623

(12) Establish fees to be charged to building departments and 46624
building department personnel applying for certification and 46625
renewal of certification pursuant to section 4781.07 of the 46626
Revised Code; 46627

(13) Develop a policy regarding the maintenance of records 46628
for any inspection authorized or conducted pursuant to this 46629
chapter. Any record maintained under division (A)(13) of this 46630
section shall be a public record under section 149.43 of the 46631
Revised Code. 46632

(B) The division of industrial compliance shall do all of the 46633

following:	46634
(1) Prepare and administer a licensure examination to determine an applicant's knowledge of manufactured housing installation and other aspects of installation the division determines appropriate;	46635 46636 46637 46638
(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;	46639 46640 46641
(3) Prepare and distribute any application form sections 4781.01 to 4781.11 of the Revised Code require;	46642 46643
(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;	46644 46645
(5) Establish procedures for processing, approving, and disapproving applications for licensure;	46646 46647
(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;	46648 46649 46650
(7) Review the design and plans for manufactured housing installations, foundations, and support systems;	46651 46652
(8) Inspect a sample of homes at a percentage the division determines to evaluate the construction and installation of manufactured housing installations, foundations, and support systems to determine compliance with the standards the division adopts;	46653 46654 46655 46656 46657
(9) Investigate complaints concerning violations of this chapter or the rules adopted pursuant to it, or the conduct of any manufactured housing installer;	46658 46659 46660
(10) Determine appropriate disciplinary actions for violations of this chapter;	46661 46662
(11) Conduct audits and inquiries of manufactured housing	46663

installers as appropriate for the enforcement of this chapter. The 46664
division, or any person the division employs for the purpose, may 46665
review and audit the business records of any manufactured housing 46666
installer during normal business hours. 46667

(12) Approve an installation training course, which may be 46668
offered by the Ohio manufactured homes association or other 46669
entity. 46670

(C) Nothing in this section, or in any rule adopted by the 46671
division of industrial compliance, shall be construed to limit the 46672
authority of a board of health to enforce section 3701.344 or 46673
Chapters 3703., 3718., and 3781. of the Revised Code or limit the 46674
authority of the department of administrative services to lease 46675
space for the use of a state agency and to group together state 46676
offices in any city in the state as provided in section 123.01 of 46677
the Revised Code. 46678

(D) The department of commerce, division of real estate and 46679
professional licensing may adopt rules pursuant to Chapter 119. of 46680
the Revised Code necessary for administration of the provisions of 46681
this chapter related to manufactured home dealers, brokers, and 46682
salespersons. 46683

Sec. 4781.07. (A) Pursuant to rules the division of 46684
industrial compliance adopts, the division may certify municipal, 46685
township, and county building departments and the personnel of 46686
those departments, or any private third party, to exercise the 46687
division's enforcement authority, accept and approve plans and 46688
specifications for foundations, support systems and installations, 46689
and inspect manufactured housing foundations, support systems, and 46690
manufactured housing installations. Any certification is effective 46691
for three years. 46692

(B) Following an investigation and finding of facts that 46693
support its action, the division of industrial compliance may 46694

revoke or suspend certification. The division may initiate an investigation on the division's own motion or the petition of a person affected by the enforcement or approval of plans.

(C)(1) If a township, municipal corporation, or county does not have a building department that is certified pursuant to this section, it may designate by resolution or ordinance another building department that has been certified pursuant to this section to exercise the ~~commission's~~ division's enforcement authority, accept and approve plans and specifications for foundations, support systems and installations, and inspect manufactured housing foundations, support systems, and manufactured housing installations. The designation is effective upon acceptance by the designee.

(2) An owner of a manufactured home or an operator of a manufactured home park may request an inspection and obtain an approval described in division (C)(1) of this section from any building department certified pursuant to this section designated by the township, municipal corporation, or county in which the owner's manufactured home or operator's manufactured home park is located.

Sec. 4781.281. (A) The ~~manufactured homes commission~~ division of industrial compliance may charge a fee for inspector certification. The fees shall include all of the following:

(1) The nonrefundable certification fee for inspectors shall not be greater than fifty dollars for each three-year certification period.

(2) The nonrefundable certification renewal fee for inspectors shall not be greater than fifty dollars.

(3) The nonrefundable late fee for certification renewal shall not be greater than twenty-five dollars in addition to the

renewal fee. 46725

(B) The ~~commission~~ division may adopt rules pursuant to 46726
Chapter 119. of the Revised Code establishing fees less than those 46727
described in division (A) of this section. 46728

Sec. 4781.56. (A) The ~~manufactured homes commission~~ division 46729
of industrial compliance may contract with the board of health of 46730
a city or general health district to permit the ~~commission~~ 46731
division to abate and remove, in accordance with sections 3707.01 46732
to 3707.021 of the Revised Code, any abandoned or unoccupied 46733
manufactured home, mobile home, or recreational vehicle that 46734
constitutes a nuisance and that is located in a manufactured home 46735
park within the board of health's jurisdiction. Under the 46736
contract, the ~~commission~~ division may receive complaints of 46737
abandoned or unoccupied manufactured homes, mobile homes, or 46738
recreational vehicles that constitute a nuisance and may, by 46739
order, compel the park operator to abate and remove the nuisance. 46740
The park operator shall pay any costs for the removal. 46741

(B) The sheriff, police officer, constable, or bailiff shall 46742
not be liable pursuant to the abatement or removal of any 46743
abandoned or unoccupied manufactured home, mobile home, or 46744
recreational vehicle pursuant to this section. 46745

Sec. 4781.57. The park operator of a manufactured home park 46746
shall ensure that all manufactured home park buildings, lots, 46747
streets, walkways, manufactured homes, mobile homes, and other 46748
facilities located in the manufactured home park shall be 46749
maintained in a condition satisfactory to the ~~commission~~ division 46750
at all times. 46751

Sec. 4901.10. The office of the public utilities commission 46752
shall be at the seat of government in Columbus, in suitable 46753
quarters provided by the state, and shall be open ~~between~~ 46754

~~eight thirty a.m. and five thirty p.m.~~ throughout the year, 46755
Saturdays, Sundays, and legal holidays excepted. The commission 46756
shall hold its sessions at least once in each calendar month in 46757
Columbus, but also may meet at such other times and places as are 46758
necessary for the proper performance of its duties. For the 46759
purpose of holding sessions in places other than the seat of 46760
government, the commission may rent quarters or offices, the 46761
expense of which, in connection therewith, shall be paid in the 46762
same manner as other authorized expenses. 46763

Sec. 4906.02. (A) There is hereby created within the public 46764
utilities commission the power siting board, composed of the 46765
~~chairman~~ chairperson of the public utilities commission, the 46766
director of environmental protection, the director of health, the 46767
director of development, the director of natural resources, the 46768
director of agriculture, and a representative of the public who 46769
shall be an engineer and shall be appointed by the governor, from 46770
a list of three nominees submitted to the governor by the office 46771
of the consumers' counsel, with the advice and consent of the 46772
senate and shall serve for a term of four years. The ~~chairman~~ 46773
chairperson of the public utilities commission shall be ~~chairman~~ 46774
chairperson of the board and its chief executive officer. The 46775
~~chairman~~ chairperson shall designate one of the voting members of 46776
the board to act as ~~vice-chairman~~ vice-chairperson who shall 46777
possess during the absence or disability of the ~~chairman~~ 46778
chairperson all of the powers of the ~~chairman~~ chairperson. All 46779
hearings, studies, and consideration of applications for 46780
certificates shall be conducted by the board or representatives of 46781
its members. 46782

In addition, the board shall include four legislative members 46783
who may participate fully in all the board's deliberations and 46784
activities except that they shall serve as nonvoting members. The 46785
speaker of the house of representatives shall appoint one 46786

legislative member, and the president of the senate and minority leader of each house shall each appoint one legislative member. Each such legislative leader shall designate an alternate to attend meetings of the board when the regular legislative member ~~he~~ appointed by the legislative leader is unable to attend. Each legislative member and alternate shall serve for the duration of the elected term that ~~he~~ the legislative member is serving at the time of ~~his~~ appointment. A quorum of the board is a majority of its voting members.

The representative of the public and, notwithstanding section 101.26 of the Revised Code, legislative members of the board or their designated alternates, when engaged in their duties as members of the board, shall be paid at the per diem rate of step 1, pay range 32, under schedule B of section 124.15 of the Revised Code and shall be reimbursed for the actual and necessary expenses they incur in the discharge of their official duties.

(B) The ~~chairman~~ chairperson shall keep a complete record of all proceedings of the board, issue all necessary process, writs, warrants, and notices, keep all books, maps, documents, and papers ordered filed by the board, conduct investigations pursuant to section 4906.07 of the Revised Code, and perform such other duties as the board may prescribe.

(C) The ~~chairman~~ chairperson of the public utilities commission may assign or transfer duties among the commission's staff. However, the board's authority to grant certificates under section 4906.10 of the Revised Code shall not be exercised by any officer, employee, or body other than the board itself.

~~(D)~~(D)(1) The ~~chairman~~ chairperson may call to ~~his~~ the chairperson's assistance, temporarily, any employee of the environmental protection agency, the department of natural resources, the department of agriculture, the department of health, or the department of development, for the purpose of

making studies, conducting hearings, investigating applications, 46819
or preparing any report required or authorized under this chapter. 46820
Such employees shall not receive any additional compensation over 46821
that which they receive from the agency by which they are 46822
employed, but they shall be reimbursed for their actual and 46823
necessary expenses incurred while working under the direction of 46824
the ~~chairman~~ chairperson. All contracts for special services are 46825
subject to the approval of the ~~chairman~~ chairperson. 46826

(2) Subject to controlling board approval, the board may 46827
contract for the services of any expert or analyst, other than an 46828
employee described in division (D)(1) of this section, for the 46829
purposes of carrying out the board's powers and duties as 46830
described in Chapter 4906. of the Revised Code. Any such expert or 46831
analyst shall be compensated from the application fee, or if 46832
necessary, supplemental application fees assessed in accordance 46833
with division (F) of section 4906.06 of the Revised Code. 46834

(E) The board's offices shall be located in those of the 46835
public utilities commission. 46836

Sec. 4926.01. As used in sections 4926.01 to 4926.60 of the 46837
Revised Code: 46838

"Attachment" means any wire, wireless facility, cable, 46839
antennae facility, or apparatus for the transmission of text, 46840
signs, signals, pictures, sounds, or other forms of information 46841
installed by or on behalf of a provider upon any pole owned or 46842
controlled, in whole or in part, by one or more electric 46843
cooperatives. 46844

"Broadband provider" has the same meaning as in section 46845
122.40 of the Revised Code. 46846

"Electric cooperative" has the same meaning as in section 46847
4928.01 of the Revised Code. 46848

"Incremental cost" means pole attachment costs incurred by an electric cooperative for providing long-run service. 46849
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"Make-ready work" means, as determined by the nature of the work required, "make-ready," "complex make-ready," or "simple make-ready" as those terms are defined in 47 C.F.R. 1.1402. 46851
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"Provider" means a broadband provider, telecommunications service provider, video service provider, or wireless service provider. 46854
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"Telecommunications service provider" means a provider of "telecommunications service" as defined in section 4927.01 of the Revised Code. 46857
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"Video service provider" has the same meaning as in section 1332.21 of the Revised Code. 46860
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"Wireless service provider" has the same meaning as in section 4927.01 of the Revised Code. 46862
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Sec. 4926.03. On the request of a provider, an electric cooperative shall grant the provider nondiscriminatory access to the cooperative's poles under just and reasonable rates, terms, and conditions for their attachments in accordance with sections 4926.06 to 4926.36 of the Revised Code. 46864
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Sec. 4926.06. A provider requesting access to an electric cooperative's poles shall submit the request in writing, and the cooperative shall review the request under a uniformly applied, efficient, and transparent process. 46869
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Sec. 4926.09. An electric cooperative may require a provider to execute an agreement for a pole attachment under nondiscriminatory, just, and reasonable rates, terms, and conditions in accordance with sections 4926.06 to 4926.36 of the Revised Code if the cooperative requires all other attaching 46873
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parties to execute such an agreement. 46878

Sec. 4926.12. After receiving a request for access, an electric cooperative shall grant or deny access within the time frame established by the federal communications commission, unless, pursuant to section 4926.57 of the Revised Code, a court of common pleas determines a different time frame for granting or denying access. 46879
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Sec. 4926.15. An electric cooperative may deny a provider access to its poles for either of the following reasons if the reasons are applied on a nondiscriminatory basis: 46885
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(A) Insufficient capacity; 46888

(B) Safety, reliability, or generally applicable engineering standards. 46889
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Sec. 4926.18. If an electric cooperative denies an access request submitted under section 4926.15 of the Revised Code, the cooperative must confirm the denial in writing. The denial shall be specific and shall include all relevant evidence and information supporting the denial and an explanation of how that evidence and information relates to the factors described in section 4926.15 of the Revised Code on which the denial is based. 46891
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Sec. 4926.21. (A) A provider and an electric cooperative shall comply with the process for make-ready work under 47 U.S.C. 224 and the federal communications commission orders and regulations implementing that section, unless, pursuant to section 4926.57 of the Revised Code, a court of common pleas establishes a different process for make-ready work. 46898
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(B) The cooperative shall provide a good-faith estimate for any make-ready work, which shall include pole replacement if 46904
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necessary. All make-ready costs shall be based on the 46906
cooperative's actual costs not recovered through the annual 46907
recurring attachment rate. The cooperative shall provide detailed 46908
documentation of the actual costs. 46909

(C) A cooperative that charges an annual recurring attachment 46910
fee shall establish the fee in accordance with the cable pole 46911
attachment rate formula established in 47 U.S.C. 224(d) and 46912
commission orders and regulations implementing that formula, 46913
unless, pursuant to section 4926.57 of the Revised Code, a court 46914
of common pleas establishes a different attachment fee. 46915

Sec. 4926.24. The attachment of facilities on the poles of an 46916
electric cooperative by a provider shall comply with the 46917
following: 46918

(A) The most recent, applicable, nondiscriminatory safety and 46919
reliability standards adopted by the cooperative; 46920

(B) The national electric safety code adopted by the 46921
institute of electrical and electronics engineers in effect on the 46922
date of the attachment. 46923

Sec. 4926.27. Nothing in sections 4926.01 to 4926.60 of the 46924
Revised Code affects a provider or other attaching party's 46925
obligation to obtain any necessary authorization before occupying 46926
public ways or private rights-of-way with its attachment. 46927

Sec. 4926.30. If an electric cooperative's pole facility is 46928
modified, a party with a preexisting attachment to the modified 46929
facility is considered to directly benefit from a modification if, 46930
after receiving notification of the modification, the party adds 46931
to or modifies its attachment. 46932

Sec. 4926.33. (A) If an electric cooperative's pole facility 46933

is modified, all parties that obtain access to the facility as a 46934
result of the modification and all parties that directly benefit 46935
from the modification shall share proportionately in the cost of 46936
the modification. 46937

(B) If a party makes an attachment to the facility after the 46938
completion of the modification, the party shall share 46939
proportionately in the costs of the modification if that 46940
modification rendered the added attachment possible. 46941

Sec. 4926.36. Unless a modification by an electric 46942
cooperative is necessary for an electric service that uses smart 46943
grid or other technology, a party with a preexisting attachment to 46944
a pole is not required to bear any of the costs of rearranging or 46945
replacing its attachment if the rearrangement or replacement is 46946
necessary because of another party's request for an additional 46947
attachment or a modification of an existing attachment. 46948

Sec. 4926.39. Subject to the venue requirements of section 46949
4926.43 of the Revised Code, an electric cooperative or a provider 46950
may file a complaint regarding pole attachment disputes with 46951
respect to sections 4926.01 to 4926.60 of the Revised Code with 46952
the court of common pleas of the county in which the 46953
cooperative's Ohio headquarters is located. 46954

Sec. 4926.42. Subject to the venue requirements of section 46955
4926.43 of the Revised Code, the court of common pleas of the 46956
county in which an electric cooperative's Ohio headquarters is 46957
located has jurisdiction to hear complaints and to grant remedies 46958
with respect to sections 4926.01 to 4926.60 of the Revised Code 46959
regarding attachment disputes for which a complaint is filed. 46960

Sec. 4926.43. A hearing regarding a complaint filed under 46961

section 4926.39 of the Revised Code is a special statutory proceeding under division (C) of Civil Rule 1 of the Rules of Civil Procedure. Any civil proceeding under section 4926.39 of the Revised Code shall be conducted in accordance with the Rules of Civil Procedure, except that a complaint regarding pole attachment disputes with respect to sections 4926.01 to 4926.60 of the Revised Code is not subject to general venue provisions in Civil Rule 3 of the Rules of Civil Procedure. To that extent only, such proceedings shall be deemed a special statutory proceeding under division (C)(8) of Civil Rule 1 of the Rules of Civil Procedure.

Venue for such a proceeding shall lie only in the county in which the cooperative's Ohio headquarters is located, provided that at least some portion of the attachment will occur in that county. In the event that the cooperative's Ohio headquarters is not located in a county in which some portion of the attachment will occur, or that more than one cooperative is a party, venue shall lie only in the county in which the largest physical portion of the attachment will occur.

Court orders relative to venue are final orders pursuant to division (B)(2) of section 2505.02 of the Revised Code. Orders not specifically relating to venue are reviewable on appeal in the same manner as judgments in any civil action.

Land acquisition actions pursuant to Chapter 163. of the Revised Code are not affected by this section and shall be heard in a venue as provided in that chapter or Civil Rule 3 of the Rules of Civil Procedure.

Sec. 4926.45. Before a court of common pleas may order any remedy under section 4926.57 of the Revised Code regarding a pole attachment complaint filed with respect to sections 4926.01 to 4926.60 of the Revised Code, the court shall determine, and a

complainant shall establish, by a preponderance of the evidence, 46992
each of the following: 46993

(A) That any rate, term, or condition complained of is not 46994
just and reasonable or a denial of access was unlawful. 46995

(B) If the complaint concerns any rate, term, or condition, 46996
that such rate, term, or condition is contained in, or demanded by 46997
either party as a condition to entering into, either: 46998

(1) A new pole attachment agreement; or 46999

(2) An amendment, renewal, or replacement of an existing 47000
agreement that may be terminated, amended, renewed, or replaced on 47001
or after the effective date of this section; 47002

(C) If the complaint concerns any rate, term, or condition, 47003
that the provider and the electric cooperative first attempted to 47004
negotiate regarding the terms of a new, amended, renewed, or 47005
replaced agreement for a period of at least forty-five days prior 47006
to filing the complaint. 47007

Sec. 4926.48. (A) The complainant under section 4926.39 of 47008
the Revised Code has the burden of establishing a prima facie case 47009
that the rate, term, or condition complained of is not just and 47010
reasonable or that the denial of access was unlawful. 47011

(B) In a case involving a denial of access, the electric 47012
cooperative has the burden of establishing, by a preponderance of 47013
the evidence, that the denial was lawful, once a prima facie case 47014
is established by the complainant. 47015

Sec. 4926.51. In a complaint filed under section 4926.39 of 47016
the Revised Code, if an electric cooperative claims that the 47017
proposed rate is lower than its incremental costs, the cooperative 47018
has the burden of establishing, by a preponderance of the 47019
evidence, its incremental costs. 47020

Sec. 4926.54. In a complaint filed under section 4926.39 of the Revised Code, there is a rebuttable presumption that each of the following is just and reasonable: 47021
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(A) The time frame to grant or deny access, if it is within the time frame established by the federal communications commission; 47024
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(B) The process for make-ready work, if it is in accordance with the process for make-ready work under 47 U.S.C. 224 and the federal communications commission orders and regulations implementing that section; 47027
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(C) The charged rate, if the electric cooperative can show that its charged rate does not exceed an annual recurring attachment rate calculated in accordance with the cable pole attachment rate formula in 47 U.S.C. 224(d) and federal communications commission orders and regulations implementing that formula. 47031
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Sec. 4926.57. (A) If, pursuant to a complaint filed under section 4926.39 of the Revised Code, a court of common pleas determines that any rate, term, or condition described in the complaint is not just and reasonable, it may do, but is not limited to doing, any of the following: 47037
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(1) Terminate the rate, term, or condition and prescribe a just and reasonable rate, term, or condition; 47042
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(2) Require entry into a pole attachment agreement on just and reasonable rates, terms, and conditions; 47044
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(3) Require access to poles as provided under sections 4926.06 to 4926.36 of the Revised Code; 47046
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(4) Substitute in the pole attachment agreement the just and reasonable rate, term, or condition established by the court; 47048
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<u>(5) Order a refund or payment, as appropriate.</u>	47050
<u>(B) A refund or payment ordered under this section may not exceed the difference between the actual amount paid under the unjust and unreasonable rate, term, or condition and the amount that would have been paid under the rate, term, or condition established by the court for the period described in the complaint, provided that the period during which refunds or payments are made does not exceed two years.</u>	47051 47052 47053 47054 47055 47056 47057
<u>Sec. 4926.60. A court of common pleas determination resolving a complaint under sections 4926.39 to 4926.57 of the Revised Code shall be issued in the form of a final appealable order.</u>	47058 47059 47060 47061
Sec. 4927.01. (A) As used in this chapter:	47062
(1) "Basic local exchange service" means residential-end-user access to and usage of telephone-company-provided services over a single line or small-business-end-user access to and usage of telephone-company-provided services over the primary access line of service, which in the case of residential and small-business access and usage is not part of a bundle or package of services, that does both of the following:	47063 47064 47065 47066 47067 47068 47069
(a) Enables a customer to originate or receive voice communications within a local service area as that area exists on September 13, 2010, or as that area is changed with the approval of the public utilities commission;	47070 47071 47072 47073
(b) Consists of all of the following services:	47074
(i) Local dial tone service;	47075
(ii) For residential end users, flat-rate telephone exchange service;	47076 47077
(iii) Touch tone dialing service;	47078

(iv) Access to and usage of 9-1-1 services, where such services are available;	47079 47080
(v) Access to operator services and directory assistance;	47081
(vi) Provision of a telephone directory in any reasonable format, <u>which includes, at the telephone company's option, an internet-accessible database of directory listings if the telephone company also provides a hard copy of the directory upon the written request of the customer,</u> for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;	47082 47083 47084 47085 47086 47087 47088
(vii) Per call, caller identification blocking services;	47089
(viii) Access to telecommunications relay service; and	47090
(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.	47091 47092
"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.	47093 47094 47095
(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.	47096 47097 47098
(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.	47099 47100 47101 47102 47103 47104
(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act	47105 47106 47107 47108

of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 47109
size equal to the size of the family of the person whose income is 47110
being determined. 47111

(5) "Incumbent local exchange carrier" means, with respect to 47112
an area, the local exchange carrier that: 47113

(a) On February 8, 1996, provided telephone exchange service 47114
in such area; and 47115

(b)(i) On February 8, 1996, was deemed to be a member of the 47116
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 47117

(ii) Is a person or entity that, on or after February 8, 47118
1996, became a successor or assign of a member described in 47119
division (A)(5)(b)(i) of this section. 47120

(6) "Internet protocol-enabled services" means any services, 47121
capabilities, functionalities, or applications that are provided 47122
using internet protocol or a successor protocol to enable an end 47123
user to send or receive communications in internet protocol format 47124
or a successor format, regardless of how any particular such 47125
service is classified by the federal communications commission, 47126
and includes voice over internet protocol service. 47127

(7) "Interstate-access component" means the portion of 47128
carrier access that is within the jurisdiction of the federal 47129
communications commission. 47130

(8) "Local exchange carrier" means any person engaged in the 47131
provision of telephone exchange service, or the offering of access 47132
to telephone exchange service or facilities for the purpose of 47133
originating or terminating telephone toll service. 47134

(9) "Local service area" means the geographic area that may 47135
encompass more than one exchange area and within which a telephone 47136
customer, by paying the rate for basic local exchange service, may 47137
complete calls to other telephone customers without being assessed 47138

long distance toll charges.	47139
(10) "Small business" means a nonresidential service customer with three or fewer service access lines.	47140 47141
(11) "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.	47142 47143 47144 47145
(12) "Telecommunications carrier" has the same meaning as in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 153.	47146 47147
(13) "Telecommunications service" means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.	47148 47149 47150 47151
(14) "Telephone company" means a company described in division (A) of section 4905.03 of the Revised Code that is a public utility under section 4905.02 of the Revised Code.	47152 47153 47154
(15) "Telephone exchange service" means telecommunications service that is within a telephone exchange, or within a connected system of telephone exchanges within the same exchange area operated to furnish to subscribers intercommunicating service of the character ordinarily furnished by a single exchange, and that is covered by the exchange service charge; or comparable service provided through a system of switches, transmission equipment, or other facilities, or combination thereof, by which a customer can originate and terminate a telecommunications service.	47155 47156 47157 47158 47159 47160 47161 47162 47163
(16) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers for exchange service.	47164 47165 47166 47167
(17) "Voice over internet protocol service" means a service	47168

that enables real-time, two-way, voice communications that 47169
originate or terminate from the user's location using internet 47170
protocol or a successor protocol, including, but not limited to, 47171
any such service that permits an end user to receive calls from 47172
and terminate calls to the public switched network. 47173

(18) "Voice service" includes all of the applicable 47174
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 47175
is not the same as basic local exchange service. 47176

(19) "Wireless service" means federally licensed commercial 47177
mobile service as defined in the "Telecommunications Act of 1996," 47178
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 47179
commercial mobile radio service in 47 C.F.R. 20.3. Under division 47180
(A)(19) of this section, commercial mobile radio service is 47181
specifically limited to mobile telephone, mobile cellular 47182
telephone, paging, personal communications services, and 47183
specialized mobile radio service provided by a common carrier in 47184
this state and excludes fixed wireless service. 47185

(20) "Wireless service provider" means a facilities-based 47186
provider of wireless service to one or more end users in this 47187
state. 47188

(B) The definitions of this section shall be applied 47189
consistent with the definitions in the "Telecommunications Act of 47190
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 47191
federal decisions interpreting those definitions. 47192

Sec. 5101.141. (A) As used in sections 5101.141 to ~~5101.1414~~ 47193
5101.1417 of the Revised Code: 47194

(1) "Adopted young adult" means a person: 47195

(a) Who was in the temporary or permanent custody of a public 47196
children services agency; 47197

(b) Who was adopted at the age of sixteen or seventeen and 47198

attained the age of sixteen before a Title IV-E adoption assistance agreement became effective; 47199
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(c) Who has attained the age of eighteen; and 47201

(d) Who has not yet attained the age of twenty-one. 47202

(2) "Child" means any of the following: 47203

(a) A person who meets the requirements of division (B)(3) of section 5153.01 of the Revised Code; 47204
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(b) An adopted young adult; 47206

(c) An emancipated young adult. 47207

(3) "Emancipated young adult" means a person: 47208

(a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services; 47209
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(b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and 47214
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(c) Who has not yet attained the age of twenty-one. 47216

(4) "Kinship guardianship young adult" means an individual that meets the following criteria: 47217
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(a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section; 47219
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(b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective; 47223
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(c) Has attained the age of eighteen; 47227

<u>(d) Has not yet attained the age of twenty-one.</u>	47228
<u>(5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:</u>	47229
<u>(a) The following individuals related by blood or adoption to the child:</u>	47230
<u>(i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";</u>	47231
<u>(ii) Siblings;</u>	47232
<u>(iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";</u>	47233
<u>(iv) First cousins and first cousins once removed.</u>	47234
<u>(b) Stepparents and stepsiblings of the child;</u>	47235
<u>(c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;</u>	47236
<u>(d) A legal guardian of the child;</u>	47237
<u>(e) A legal custodian of the child;</u>	47238
<u>(f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.</u>	47239
<u>(6) "Representative" means a person with whom the department of job and family services has entered into a contract, pursuant to division (B)(2)(b) of this section.</u>	47240
<u>(7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.</u>	47241
<u>(B)(1) Except as provided in division <u>divisions</u> (B)(2), <u>(3)</u>, and <u>(4)</u> of this section, the department of job and family services shall act as the single state agency to administer federal payments for foster care, <u>kinship guardianship assistance</u>, and</u>	47242
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adoption assistance made pursuant to Title IV-E. The director of 47257
job and family services shall adopt rules to implement this 47258
authority. Rules governing financial and administrative 47259
requirements applicable to public children services agencies and 47260
government entities that provide Title IV-E reimbursable placement 47261
services to children shall be adopted in accordance with section 47262
111.15 of the Revised Code, as if they were internal management 47263
rules. Rules governing requirements applicable to private child 47264
placing agencies and private noncustodial agencies and rules 47265
establishing eligibility, program participation, and other 47266
requirements concerning Title IV-E shall be adopted in accordance 47267
with Chapter 119. of the Revised Code. A public children services 47268
agency to which the department distributes Title IV-E funds shall 47269
administer the funds in accordance with those rules. 47270

(2) If the state plan is amended under divisions (A) and (B) 47271
of section 5101.1411 of the Revised Code, both of the following 47272
shall apply: 47273

(a) Implementation of the amendments to the plan shall begin 47274
fifteen months after September 13, 2016, the effective date of 47275
H.B. 50 of the 131st general assembly, if both of the following 47276
apply: 47277

(i) The plan as amended is approved by the secretary of 47278
health and human services; 47279

(ii) The general assembly has appropriated sufficient funds 47280
to operate the program required under the plan as amended. 47281

(b) The department shall have, exercise, and perform all new 47282
duties required under the plan as amended. In doing so, the 47283
department may contract with another person to carry out those new 47284
duties, to the extent permitted under Title IV-E. 47285

(3) If the state plan is amended under division (C) of 47286
section 5101.1411 of the Revised Code, both of the following 47287

<u>apply:</u>	47288
<u>(a) Implementation of the amendments to the plan shall begin</u>	47289
<u>fifteen months after the effective date of this section, if both</u>	47290
<u>of the following apply:</u>	47291
<u>(i) The plan as amended is approved by the secretary of</u>	47292
<u>health and human services.</u>	47293
<u>(ii) The general assembly has appropriated sufficient funds</u>	47294
<u>to operate the program required under the plan as amended.</u>	47295
<u>(b) The department shall perform all new duties required</u>	47296
<u>under the amended plan. In doing so, the department may contract</u>	47297
<u>with another person to carry out those new duties, to the extent</u>	47298
<u>permitted under Title IV-E.</u>	47299
<u>(4) If the state plan is amended under section 5101.1416 of</u>	47300
<u>the Revised Code, and is approved by the secretary of health and</u>	47301
<u>human services, implementation of the amendments to the plan shall</u>	47302
<u>begin fifteen months after the effective date of this section.</u>	47303
(C)(1) Except with regard to the new duties imposed on the	47304
department or its contractor under division <u>divisions</u> (B)(2)(b)	47305
and (B)(3)(b) of this section that are not imposed on the county,	47306
the county, on behalf of each child eligible for foster care	47307
maintenance payments under Title IV-E, shall make payments to	47308
cover the cost of providing all of the following:	47309
(a) The child's food, clothing, shelter, daily supervision,	47310
and school supplies;	47311
(b) The child's personal incidentals;	47312
(c) Reasonable travel to the child's home for visitation.	47313
(2) In addition to payments made under division (C)(1) of	47314
this section, the county may, on behalf of each child eligible for	47315
foster care maintenance payments under Title IV-E, make payments	47316
to cover the cost of providing the following:	47317

(a) Liability insurance with respect to the child;	47318
(b) If the county is participating in the demonstration project established under division (A) of section 5101.142 of the Revised Code, services provided under the project.	47319 47320 47321
(3) With respect to a child who is in a child-care institution, including any type of group home designed for the care of children or any privately operated program consisting of two or more certified foster homes operated by a common administrative unit, the foster care maintenance payments made by the county on behalf of the child shall include the reasonable cost of the administration and operation of the institution, group home, or program, as necessary to provide the items described in divisions (C)(1) and (2) of this section.	47322 47323 47324 47325 47326 47327 47328 47329 47330
(D) To the extent that either foster care maintenance payments under division (C) of this section, <u>Title IV-E kinship guardianship assistance</u> , or Title IV-E adoption assistance payments for maintenance costs require the expenditure of county funds, the board of county commissioners shall report the nature and amount of each expenditure of county funds to the department.	47331 47332 47333 47334 47335 47336
(E) The department shall distribute to public children services agencies that incur and report expenditures of the type described in division (D) of this section federal financial participation received for administrative and training costs incurred in the operation of foster care maintenance, <u>kinship guardianship assistance</u> , and adoption assistance programs. The department may withhold not more than three per cent of the federal financial participation received. The funds withheld may be used only to fund the following:	47337 47338 47339 47340 47341 47342 47343 47344 47345
(1) The Ohio child welfare training program established under section 5103.30 of the Revised Code;	47346 47347
(2) The university partnership program for college and	47348

university students majoring in social work who have committed to 47349
work for a public children services agency upon graduation; 47350

(3) Efforts supporting organizational excellence, including 47351
voluntary activities to be accredited by a nationally recognized 47352
accreditation organization. 47353

The funds withheld shall be in addition to any administration 47354
and training cost for which the department is reimbursed through 47355
its own cost allocation plan. 47356

(F) All federal financial participation funds received by a 47357
county pursuant to this section shall be deposited into the 47358
county's children services fund created pursuant to section 47359
5101.144 of the Revised Code. 47360

(G) The department shall periodically publish and distribute 47361
the maximum amounts that the department will reimburse public 47362
children services agencies for making payments on behalf of 47363
children eligible for foster care maintenance payments. 47364

(H) The department, by and through its director, is hereby 47365
authorized to develop, participate in the development of, 47366
negotiate, and enter into one or more interstate compacts on 47367
behalf of this state with agencies of any other states, for the 47368
provision of social services to children in relation to whom all 47369
of the following apply: 47370

(1) They have special needs. 47371

(2) This state or another state that is a party to the 47372
interstate compact is providing kinship guardianship assistance or 47373
adoption assistance on their behalf. 47374

(3) They move into this state from another state or move out 47375
of this state to another state. 47376

Sec. 5101.1411. (A)(1) The director of job and family 47377
services shall, not later than nine months after September 13, 47378

2016, the effective date of H.B. 50 of the 131st general assembly, 47379
submit an amendment to the state plan required by 42 U.S.C. 671 to 47380
the United States secretary of health and human services to 47381
implement 42 U.S.C. 675(8) to make federal payments for foster 47382
care under Title IV-E directly to, or on behalf of, any 47383
emancipated young adult who meets the following requirements: 47384

(a) The emancipated young adult signs a voluntary 47385
participation agreement. 47386

(b) The emancipated young adult satisfies division ~~(C)~~(D) of 47387
this section. 47388

(2) Any emancipated young adult who meets the requirements of 47389
division (A)(1) of this section may apply for foster care payments 47390
and make the appropriate application at any time. 47391

(B)(1) The director of job and family services shall, not 47392
later than nine months after September 13, 2016, the effective 47393
date of H.B. 50 of the 131st general assembly, submit an amendment 47394
to the state plan required by 42 U.S.C. 671 to the United States 47395
secretary of health and human services to implement 42 U.S.C. 47396
675(8) to make federal payments for adoption assistance under 47397
Title IV-E available to any parent who meets all of the following 47398
requirements: 47399

(a) The parent adopted a person who is an adopted young adult 47400
and the parent entered into an adoption assistance agreement under 47401
42 U.S.C. 673 while the adopted person was age sixteen or 47402
seventeen. 47403

(b) The parent maintains parental responsibility for the 47404
adopted young adult. 47405

(c) The adopted young adult satisfies division ~~(C)~~(D) of this 47406
section. 47407

(2) Any parent who meets the requirements of division (B)(1) 47408

of this section that are applicable to a parent may request an 47409
extension of adoption assistance payments at any time before the 47410
adopted young adult reaches age twenty-one. 47411

(3) An adopted young adult who is eligible to receive 47412
adoption assistance payments is not considered an emancipated 47413
young adult and is therefore not eligible to receive payment under 47414
division (A) of this section. 47415

(C)(1) The director of job and family services shall, not 47416
later than nine months after the effective date of this amendment, 47417
submit an amendment to the state plan required by 42 U.S.C. 671 to 47418
the United States secretary of health and human services to 47419
implement 42 U.S.C. 673(d) to provide kinship guardianship 47420
assistance under Title IV-E available to any relative who meets 47421
all of the following requirements: 47422

(a) Both of the following apply: 47423

(i) A juvenile court issued an order granting legal custody 47424
of a person who is a kinship guardianship young adult to the 47425
relative, or a probate court issued an order granting guardianship 47426
of a person who is a kinship guardianship young adult to the 47427
relative, and the order is not a temporary court order. 47428

(ii) The relative entered into a kinship guardianship 47429
assistance agreement under 42 U.S.C. 673(d) while the kinship 47430
guardianship young adult was age sixteen or seventeen. 47431

(b) The relative maintains parental responsibility for the 47432
kinship guardianship young adult. 47433

(c) The kinship guardianship young adult satisfies division 47434
(D) of this section. 47435

(2) Any person who meets the requirements of division (C)(1) 47436
of this section may request an extension of kinship guardianship 47437
assistance at any time before the kinship guardianship young adult 47438

reaches age twenty-one. 47439

(3) A kinship guardianship young adult who is eligible to 47440
receive kinship guardianship assistance is not considered an 47441
emancipated young adult and is therefore not eligible to receive 47442
assistance under division (A) of this section. 47443

(D) In addition to other requirements, an adopted, kinship 47444
guardianship, or emancipated young adult must meet at least one of 47445
the following criteria: 47446

(1) Is completing secondary education or a program leading to 47447
an equivalent credential; 47448

(2) Is enrolled in an institution that provides 47449
post-secondary or vocational education; 47450

(3) Is participating in a program or activity designed to 47451
promote, or remove barriers to, employment; 47452

(4) Is employed for at least eighty hours per month; 47453

(5) Is incapable of doing any of the activities described in 47454
divisions ~~(C)(1)~~(D)(1) to (4) of this section due to a physical or 47455
mental condition, which incapacity is supported by regularly 47456
updated information in the person's case record or plan. 47457

~~(D)~~(E) Any emancipated young adult described in division 47458
(A)(1) of this section who is directly receiving foster care 47459
payments, or on whose behalf such foster care payments are 47460
received, or any relative described in division (C)(1) of this 47461
section who is receiving kinship guardianship assistance, or any 47462
parent receiving adoption assistance payments, may refuse the 47463
payments at any time. 47464

~~(E)(1)~~(F)(1) An emancipated young adult described in division 47465
(A)(1) of this section who is directly receiving foster care 47466
payments, or on whose behalf such foster care payments are 47467
received, or any relative described in division (C)(1) of this 47468

section who is receiving kinship guardianship assistance and the 47469
kinship guardianship young adult, or a parent receiving adoption 47470
assistance payments and the adopted young adult shall be eligible 47471
for services set forth in the federal, "Fostering Connections to 47472
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 47473
Stat. 3949. 47474

(2) An emancipated young adult described in division (A)(1) 47475
of this section who is directly receiving foster care payments, or 47476
on whose behalf such foster care payments are received, pursuant 47477
to this section, may be eligible to reside in a supervised 47478
independent living setting, including apartment living, room and 47479
board arrangements, college or university dormitories, host homes, 47480
and shared roommate settings. 47481

~~(F)~~(G) Any determination by the department that denies or 47482
terminates foster care, kinship guardianship assistance, or 47483
adoption assistance payments shall be subject to a state hearing 47484
pursuant to section 5101.35 of the Revised Code. 47485

Sec. 5101.1412. (A) Without the approval of a court, an 47486
emancipated young adult who receives payments, or on whose behalf 47487
payments are received, under division (A) of section 5101.1411 of 47488
the Revised Code, may enter into a voluntary participation 47489
agreement with the department of job and family services, or its 47490
representative, for the emancipated young adult's care and 47491
placement. The agreement shall stay in effect until one of the 47492
following occurs: 47493

(1) The emancipated young adult enrolled in the program 47494
notifies the department, or its representative, that they want to 47495
terminate the agreement. 47496

(2) The emancipated young adult becomes ineligible for the 47497
program. 47498

(B) ~~During the one hundred eighty day period after the~~ 47499
~~voluntary participation agreement becomes effective, the~~ 47500
~~department or its representative shall seek approval from the~~ 47501
~~court that the emancipated young adult's best interest is served~~ 47502
~~by continuing the care and placement with the department or its~~ 47503
~~representative.~~ 47504

~~(C)~~ In order to maintain Title IV-E eligibility for the 47505
emancipated young adult, ~~not~~ both of the following apply: 47506

(1) Not later than one hundred eighty days after the 47507
effective date of the voluntary participation agreement, the 47508
department or its representative must petition the court for, and 47509
obtain, a judicial determination that the emancipated young 47510
adult's best interest is served by continuing the care and 47511
placement with the department or its representative. 47512

(2) Not later than twelve months after the effective date of 47513
the voluntary participation agreement, and at least once every 47514
twelve months thereafter, the department or its representative 47515
must petition the court for, and obtain, a judicial determination 47516
that the department or its representative has made reasonable 47517
efforts to finalize a permanency plan ~~that addresses the~~ 47518
~~department's or its representative's efforts~~ to prepare the 47519
emancipated young adult for independence. 47520

Sec. 5101.1415. The provisions of divisions (A) and ~~(C)~~(D) to 47521
~~(F)~~(G) of section 5101.1411 of the Revised Code shall not apply if 47522
the person is eligible for temporary or permanent custody until 47523
age twenty-one pursuant to a dispositional order under sections 47524
2151.353, 2151.414, and 2151.415 of the Revised Code. 47525

Sec. 5101.1416. (A) Not later than nine months after the 47526
effective date of this section, the director of job and family 47527
services shall submit an amendment to the state plan required by 47528

42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E on behalf of a child to a relative who meets the following requirements: 47529
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(1) The relative has cared for the eligible child pursuant to division (B) of this section as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months. 47533
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(2) Both of the following apply: 47537

(a) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 47538
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(b) The relative has committed to care for the child on a permanent basis. 47542
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(3) The relative signs a kinship guardianship assistance agreement required by 42 U.S.C. 673. 47544
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(B) A child is an eligible child for kinship guardianship assistance under this section if the following are met: 47546
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(1) The child has been removed from his or her home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 47548
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(2) The child has been eligible for foster care maintenance payments under section 5101.141 of the Revised Code while residing for at least six consecutive months in the home of a relative described in division (A) of this section. 47552
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(3) Returning the child home or adoption of the child are not appropriate permanency options for the child. 47556
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(4) The child demonstrates a strong attachment to the child's relative described in division (A) of this section and the relative has a strong commitment to caring permanently for the child. 47558
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(5) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the kinship guardianship arrangement. 47562
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Sec. 5101.1417. Not later than nine months after the effective date of this section, the department of job and family services shall adopt rules necessary to carry out the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," including rules that do all of the following: 47565
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(A) Allow a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code on whose behalf kinship guardianship assistance is received, to maintain eligibility while transitioning into, or out of, qualified employment or educational activities; 47571
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(B) Require that a thirty-day notice of termination be given by the department to a person receiving kinship guardianship assistance for a kinship guardianship young adult described in division (C) of section 5101.1411 of the Revised Code, who is determined to be ineligible for assistance. 47576
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Sec. 5101.1418. (A)(1) If, after a child's adoption is finalized, the department of job and family services considers the child to be in need of public care or protective services, the department may, to the extent state funds are available for this purpose, enter into an agreement with the child's adoptive parent under which the department may make post adoption special services subsidy payments on behalf of the child as needed when both of the 47581
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following apply: 47588

(a) The child has a physical or developmental disability or mental or emotional condition that either: 47589

(i) Existed before the adoption petition was filed; or 47591

(ii) Developed after the adoption petition was filed and can be directly attributed to factors in the child's preadoption background, medical history, or biological family's background or medical history. 47592
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(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources. 47596
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(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment. 47599
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(3) The department shall establish clinical standards to evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services. 47604
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(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year. 47607
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(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the 47615
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child; except that the department may waive this requirement if 47618
the gross annual income of the child's adoptive family is not more 47619
than two hundred per cent of the federal poverty guideline. 47620

(6) The department may use other sources of revenue to make 47621
post adoption special services subsidy payments, in addition to 47622
any state funds appropriated for that purpose. 47623

(7) The department may contract with another person to carry 47624
out any of the duties described in this section. 47625

(B) No payment shall be made on behalf of any person eighteen 47626
years of age or older beyond the end of the school year during 47627
which the person attains the age of eighteen or on behalf of a 47628
mentally or physically disabled person twenty-one years of age or 47629
older. 47630

(C) The director of job and family services, not later than 47631
July 1, 2022, shall adopt rules in accordance with Chapter 119. of 47632
the Revised Code necessary to implement this section. The rules 47633
shall establish all of the following: 47634

(1) The application process for all forms of assistance 47635
provided under this section; 47636

(2) Standards for determining the children who qualify to 47637
receive assistance provided under this section; 47638

(3) The method of determining the amount, duration, and scope 47639
of services provided to a child; 47640

(4) The method of transitioning the post adoption special 47641
services subsidy program from public children services agencies to 47642
the department; 47643

(5) Any other rule, requirement, or procedure the department 47644
considers appropriate for the implementation of this section. 47645

(D) The department shall implement this section not later 47646
than July 1, 2022. 47647

Sec. 5101.545. The director of job and family services shall 47648
submit an application to the United States department of 47649
agriculture for participation in the elderly simplified 47650
application project within the supplemental nutrition assistance 47651
program. 47652

Sec. 5101.63. (A)(1) Any individual listed in division (A)(2) 47653
of this section having reasonable cause to believe that an adult 47654
is being abused, neglected, or exploited, or is in a condition 47655
which is the result of abuse, neglect, or exploitation shall 47656
immediately report such belief to the county department of job and 47657
family services. 47658

(2) All of the following are subject to division (A)(1) of 47659
this section: 47660

(a) An attorney admitted to the practice of law in this 47661
state; 47662

(b) An individual authorized under Chapter 4731. of the 47663
Revised Code to practice medicine and surgery, osteopathic 47664
medicine and surgery, or podiatric medicine and surgery; 47665

(c) An individual licensed under Chapter 4734. of the Revised 47666
Code as a chiropractor; 47667

(d) An individual licensed under Chapter 4715. of the Revised 47668
Code as a dentist; 47669

(e) An individual licensed under Chapter 4723. of the Revised 47670
Code as a registered nurse or licensed practical nurse; 47671

(f) An individual licensed under Chapter 4732. of the Revised 47672
Code as a psychologist; 47673

(g) An individual licensed under Chapter 4757. of the Revised 47674
Code as a social worker, independent social worker, professional 47675
counselor, professional clinical counselor, marriage and family 47676

therapist, or independent marriage and family therapist;	47677
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	47678 47679
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	47680 47681 47682
(j) An employee of a home health agency, as defined in section 3701.881 <u>3740.01</u> of the Revised Code;	47683 47684
(k) An employee of an outpatient health facility;	47685
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	47686 47687
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	47688 47689
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	47690 47691
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	47692 47693 47694 47695
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	47696 47697 47698 47699
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	47700 47701
(r) A humane society agent appointed under section 1717.06 of the Revised Code;	47702 47703
(s) An individual who is a firefighter for a lawfully constituted fire department;	47704 47705

(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	47706 47707 47708
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	47709 47710 47711
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	47712 47713
(w) A peace officer;	47714
(x) A coroner;	47715
(y) A member of the clergy;	47716
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	47717 47718 47719
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	47720 47721
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	47722 47723
(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;	47724 47725 47726
(dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707. of the Revised Code;	47727 47728 47729
(ee) A financial planner accredited by a national accreditation agency;	47730 47731
(ff) Any other individual who is a senior service provider, other than a representative of the office of the state long-term care ombudsman program as defined in section 173.14 of the Revised	47732 47733 47734

Code. 47735

(B) Any person having reasonable cause to believe that an 47736
adult has suffered abuse, neglect, or exploitation may report, or 47737
cause a report to be made of such belief to the county department 47738
of job and family services. 47739

This division applies to a representative of the office of 47740
the state long-term care ombudsman program only to the extent 47741
permitted by federal law. 47742

(C) The reports made under this section shall be made orally 47743
or in writing except that oral reports shall be followed by a 47744
written report if a written report is requested by the department. 47745
Written reports shall include: 47746

(1) The name, address, and approximate age of the adult who 47747
is the subject of the report; 47748

(2) The name and address of the individual responsible for 47749
the adult's care, if any individual is, and if the individual is 47750
known; 47751

(3) The nature and extent of the alleged abuse, neglect, or 47752
exploitation of the adult; 47753

(4) The basis of the reporter's belief that the adult has 47754
been abused, neglected, or exploited. 47755

(D) Any person with reasonable cause to believe that an adult 47756
is suffering abuse, neglect, or exploitation who makes a report 47757
pursuant to this section or who testifies in any administrative or 47758
judicial proceeding arising from such a report, or any employee of 47759
the state or any of its subdivisions who is discharging 47760
responsibilities under section 5101.65 of the Revised Code shall 47761
be immune from civil or criminal liability on account of such 47762
investigation, report, or testimony, except liability for perjury, 47763
unless the person has acted in bad faith or with malicious 47764

purpose. 47765

(E) No employer or any other person with the authority to do 47766
so shall do any of the following as a result of an employee's 47767
having filed a report under this section: 47768

(1) Discharge, demote, transfer, or prepare a negative work 47769
performance evaluation; 47770

(2) Reduce benefits, pay, or work privileges; 47771

(3) Take any other action detrimental to an employee or in 47772
any way retaliate against the employee. 47773

(F) The written or oral report provided for in this section 47774
and the investigatory report provided for in section 5101.65 of 47775
the Revised Code are confidential and are not public records, as 47776
defined in section 149.43 of the Revised Code. In accordance with 47777
rules adopted by the department of job and family services, 47778
information contained in the report shall upon request be made 47779
available to the adult who is the subject of the report and to 47780
legal counsel for the adult. If it determines that there is a risk 47781
of harm to a person who makes a report under this section or to 47782
the adult who is the subject of the report, the county department 47783
of job and family services may redact the name and identifying 47784
information related to the person who made the report. 47785

(G) The county department of job and family services shall be 47786
available to receive the written or oral report provided for in 47787
this section twenty-four hours a day and seven days a week. 47788

Sec. 5101.802. (A) As used in this section: 47789

(1) "Custodian," "guardian," and "minor child" have the same 47790
meanings as in section 5107.02 of the Revised Code. 47791

(2) "Federal poverty guidelines" has the same meaning as in 47792
section 5101.46 of the Revised Code. 47793

(3) "Kinship caregiver" has the same meaning as in section 47794
5101.85 of the Revised Code. 47795

(B) Subject to division (E) of section 5101.801 of the 47796
Revised Code, there is hereby created the kinship permanency 47797
incentive program to promote permanency for a minor child in the 47798
legal and physical custody of a kinship caregiver. The program 47799
shall provide an initial one-time incentive payment to the kinship 47800
caregiver to defray the costs of initial placement of the minor 47801
child in the kinship caregiver's home. The program may provide 47802
additional permanency incentive payments for the minor child at 47803
six-month intervals, based on the availability of funds. An 47804
eligible caregiver may receive a maximum of eight incentive 47805
payments per minor child. 47806

(C) A kinship caregiver may participate in the program if all 47807
of the following requirements are met: 47808

(1) The kinship caregiver applies to a public children 47809
services agency in accordance with the application process 47810
established in rules authorized by division (E) of this section; 47811

(2) Not earlier than July 1, 2005, a juvenile court issues an 47812
order granting legal custody to the kinship caregiver, or a 47813
probate court grants guardianship to the kinship caregiver, except 47814
that a temporary court order is not sufficient to meet this 47815
requirement; 47816

(3) The kinship caregiver is either the minor child's 47817
custodian or guardian; 47818

(4) The minor child resides with the kinship caregiver 47819
pursuant to a placement approval process established in rules 47820
authorized by division (E) of this section; 47821

(5) Excluding any income excluded under rules adopted under 47822
division (E) of this section, the gross income of the kinship 47823
caregiver's family, including the minor child, does not exceed 47824

three hundred per cent of the federal poverty guidelines. 47825

(6) The kinship caregiver is not receiving kinship 47826
guardianship assistance under Title IV-E of the "Social Security 47827
Act," 42 U.S.C. 673(d), as amended, described in section 5101.1411 47828
of the Revised Code or pursuant to section 5153.163 of the Revised 47829
Code. 47830

(D) Public children services agencies shall make initial and 47831
ongoing eligibility determinations for the kinship permanency 47832
incentive program in accordance with rules authorized by division 47833
(E) of this section. The director of job and family services shall 47834
supervise public children services agencies' duties under this 47835
section. 47836

(E) The director of job and family services shall adopt rules 47837
under division (C) of section 5101.801 of the Revised Code as 47838
necessary to implement the kinship permanency incentive program. 47839
The rules shall establish all of the following: 47840

(1) The application process for the program; 47841

(2) The placement approval process through which a minor 47842
child is placed with a kinship caregiver for the kinship caregiver 47843
to be eligible for the program; 47844

(3) The initial and ongoing eligibility determination process 47845
for the program, including the computation of income eligibility; 47846

(4) The amount of the incentive payments provided under the 47847
program; 47848

(5) The method by which the incentive payments are provided 47849
to a kinship caregiver. 47850

(F) The amendments made to this section by Am. Sub. H.B. 119 47851
of the 127th general assembly shall not affect the eligibility of 47852
any kinship caregiver whose eligibility was established before 47853
June 30, 2007. 47854

Sec. 5101.806. (A) The department of job and family services shall prepare and submit to the governor not later than the first day of November in each even-numbered year a TANF spending plan describing the anticipated spending of temporary assistance for needy families block grant funds for the upcoming state fiscal biennium. The report shall be prepared in such a manner as to facilitate the inclusion of the information contained in the report in the governor's budget in accordance with division (D)(8) of section 107.03 of the Revised Code. 47855 47856 47857 47858 47859 47860 47861 47862 47863

(B)(1) Not later than thirty days after the end of the first state fiscal year of a fiscal biennium, the department shall prepare and submit an updated TANF spending plan to the chairperson of a standing committee of the house of representatives designated by the speaker of the house of representatives and the chairperson of a standing committee of the senate designated by the president of the senate. The updated TANF spending plan shall, at a minimum, include both of the following: 47864 47865 47866 47867 47868 47869 47870 47871

(a) The total amount of temporary assistance for needy families block grant funds distributed during the first fiscal year of the fiscal biennium. 47872 47873 47874

(b) An updated estimate of the total amount of temporary assistance for needy families block grant funds that will be distributed during the second fiscal year of the fiscal biennium. 47875 47876 47877

(2) A chairperson of a standing committee designated by the speaker of the house of representatives or president of the senate under division (B)(1) of this section may call the director of job and family services to testify before the committee regarding the TANF spending plan. 47878 47879 47880 47881 47882

~~Sec. 5101.971. (A) The department of human services shall prepare an annual report on individual development account~~ 47883 47884

~~programs established by county departments of human services based 47885
on the information provided pursuant to division (E) of section 47886
329.12 of the Revised Code and file the report with the governor, 47887
president and minority leader of the senate, and speaker and 47888
minority leader of the house of representatives. The department 47889
shall file the report on the first day of October of each year, 47890
beginning in 1998. 47891~~

(B) The department of job and family services shall adopt 47892
rules in accordance with Chapter 119. of the Revised Code to 47893
govern the implementation of individual development account 47894
programs under sections 329.11 to 329.14 of the Revised Code by 47895
county departments of human job and family services, which shall 47896
include rules covering ~~all~~ both of the following: 47897

~~(1) (A) Imposing a penalty for unauthorized use of matching 47898
contributions; 47899~~

~~(2) Specifying the information that must be included in the 47900
county department's report to the department under section 329.12 47901
of the Revised Code; 47902~~

~~(3) (B) Specifying the responsibilities of a fiduciary 47903
organization under an individual development account program 47904
established under section 329.12 of the Revised Code. The rules 47905
shall be consistent with section 404(h) of the "Social Security 47906
Act" as amended by the "Personal Responsibility and Work 47907
Opportunity Reconciliation Act of 1996," 110 Stat. 2105, 42 U.S.C. 47908
604(h). 47909~~

The responsibilities of a fiduciary organization may include 47910
marketing; soliciting matching contributions; counseling account 47911
holders; conducting verification, compliance, and evaluation 47912
activities; and any other responsibilities considered appropriate 47913
by the state department. 47914

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the Revised Code: 47915
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(A)(1) "Association" or "institution" includes all of the following: 47917
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(a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; 47919
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(b) Any individual, including the operator of a foster home, who, for hire, gain, or reward, receives or cares for children for two or more consecutive weeks, unless the individual is related to them by blood or marriage; 47922
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(c) Any individual not in the regular employ of a court, or of an institution or association certified in accordance with section 5103.03 of the Revised Code, who in any manner becomes a party to the placing of children in foster homes, unless the individual is related to such children by blood or marriage or is the appointed guardian of such children. 47926
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(2) "Association" or "institution" does not include any of the following: 47932
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(a) Any organization, society, association, school, agency, child guidance center, detention or rehabilitation facility, or children's clinic licensed, regulated, approved, operated under the direction of, or otherwise certified by the department of education, a local board of education, the department of youth services, the department of mental health and addiction services, or the department of developmental disabilities; 47934
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(b) Any individual who provides care for only a single-family group, placed there by their parents or other relative having custody; 47941
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(c) A private, nonprofit therapeutic wilderness camp; 47944

(d) A qualified organization as defined in section 2151.90 of the Revised Code. 47945
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(B) "Family foster home" means a foster home that is not a specialized foster home. 47947
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(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code. 47949
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(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes. 47951
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(E) Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code. 47960
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(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria: 47962
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(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care. 47966
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(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions. 47969
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(3) The children require the services of a registered nurse on a daily basis. 47972
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(4) The children are at risk of institutionalization in a 47974

hospital, skilled nursing facility, or intermediate care facility 47975
for individuals with intellectual disabilities. 47976

~~(F)~~(G) "Private, nonprofit therapeutic wilderness camp" means 47977
a structured, alternative residential setting for children who are 47978
experiencing emotional, behavioral, moral, social, or learning 47979
difficulties at home or school in which all of the following are 47980
the case: 47981

(1) The children spend the majority of their time, including 47982
overnight, either outdoors or in a primitive structure. 47983

(2) The children have been placed there by their parents or 47984
another relative having custody. 47985

(3) The camp accepts no public funds for use in its 47986
operations. 47987

~~(G)~~(H) "Recommending agency" means a public children services 47988
agency, private child placing agency, or private noncustodial 47989
agency that recommends that the department of job and family 47990
services take any of the following actions under section 5103.03 47991
of the Revised Code regarding a foster home: 47992

(1) Issue a certificate; 47993

(2) Deny a certificate; 47994

(3) Renew a certificate; 47995

(4) Deny renewal of a certificate; 47996

(5) Revoke a certificate. 47997

~~(H)~~(I) "Resource caregiver" means a foster caregiver or a 47998
kinship caregiver. 47999

(J) "Resource family" means a foster home or the kinship 48000
caregiver family. 48001

(K) "Specialized foster home" means a medically fragile 48002
foster home or a treatment foster home. 48003

~~(I)~~(L) "Treatment foster home" means a foster home that 48004
incorporates special rehabilitative services designed to treat the 48005
specific needs of the children received in the foster home and 48006
that receives and cares for children who are emotionally or 48007
behaviorally disturbed, who are chemically dependent, who have 48008
developmental disabilities, or who otherwise have exceptional 48009
needs. 48010

Sec. 5103.031. Except as provided in section 5103.033 of the 48011
Revised Code, the department of job and family services may not 48012
issue a certificate under section 5103.03 of the Revised Code to a 48013
foster home unless the prospective foster caregiver successfully 48014
completes preplacement training through a preplacement training 48015
program approved by the department of job and family services 48016
under section 5103.038 of the Revised Code or preplacement 48017
training provided under division (B) of section 5103.30 of the 48018
Revised Code. ~~Up to twenty per cent of the required preplacement~~ 48019
~~training may be provided online.~~ 48020

Sec. 5103.0310. (A) Prior to employing a person or engaging a 48021
subcontractor, intern, or volunteer, an institution or 48022
association, as defined in division (A)(1)(a) of section 5103.02 48023
of the Revised Code, that is a residential facility, as defined in 48024
division (A)(6) of section 5103.05 of the Revised Code, shall do 48025
the following regarding the person, subcontractor, intern, or 48026
volunteer: 48027

(1) ~~Conduct~~ Obtain a search of the United States department 48028
of justice national sex offender public web site regarding the 48029
person; 48030

(2) ~~Request~~ Obtain a summary report of a search of the 48031
uniform statewide automated child welfare information system in 48032
accordance with divisions (A) and (B) of section 5103.18 of the 48033

Revised Code. 48034

(B) An institution or association, as defined in division (A)(1)(a) of section 5103.02 of the Revised Code, that is not a residential facility, as defined in division (A)(6) of section 5103.05 of the Revised Code, shall obtain the search and summary report described in division (A) of this section before hiring a person, or engaging a subcontractor, intern, or volunteer, who will have access to children. 48035
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(C) If, at the time of the effective date of this amendment, the institution or association has not obtained a report required under division (A) or (B) of this section for the person, subcontractor, intern, or volunteer, the institution or association shall obtain the report. 48042
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(D) The institution or association may refuse to hire employ the person or engage the subcontractor, intern, or volunteer based solely on the results of the search described in division (A)(1) or (B) of this section or the findings of the summary report described in division (B)(1)(a) of section 5103.18 of the Revised Code. 48047
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~~(C)~~(E) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section. 48053
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Sec. 5103.0316. The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of sections 5103.031 to 5103.0316 of the Revised Code. The rules shall provide for all of the following: 48056
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(A) For the purpose of section 5103.038 of the Revised Code, the date by which a private child placing agency or private noncustodial agency that seeks to operate a preplacement training 48061
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program or continuing training program under section 5103.034 of 48064
the Revised Code must submit to the department a proposal 48065
outlining the program; 48066

(B) Requirements governing the department's compensation of 48067
private child placing agencies and private noncustodial agencies 48068
under sections 5103.0312 and 5103.0313 of the Revised Code, 48069
including the allowance to reimburse the agencies for the cost of 48070
providing the training under sections 5103.031, 5103.032, and 48071
5103.033 of the Revised Code; 48072

(C) Requirements governing the continuing training required 48073
by sections 5103.032 and 5103.033 of the Revised Code; 48074

(D) The amount of training hours necessary for preplacement 48075
training and continuing training for purposes of sections 48076
5103.031, 5103.032, and 5103.033 of the Revised Code; 48077

(E) Courses necessary to meet the preplacement and continuing 48078
training requirements for foster homes under sections 5103.031, 48079
5103.032, and 5103.033 of the Revised Code; 48080

(F) Criteria used to create a written needs assessment and 48081
continuing training plan for each foster caregiver as required by 48082
section 5103.035 of the Revised Code; 48083

(G) The amount of preplacement and continuing training hours 48084
that may be completed online; 48085

(H) Any other matter the department considers appropriate. 48086

Sec. 5103.163. (A) The department of job and family services 48087
shall adopt rules in accordance with Chapter 119. of the Revised 48088
Code to establish and enforce a resource family bill of rights for 48089
resource families providing care for individuals who are in the 48090
custody or care and placement of an agency that provides Title 48091
IV-E reimbursable services pursuant to sections 5103.03 to 48092
5103.181 of the Revised Code. 48093

(B) If the rights of the resource family conflict with the rights of the individual established by section 2151.316 of the Revised Code, division (B) of section 2151.316 of the Revised Code shall apply. 48094
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(C) The rights established by rules under this section shall not create grounds for a civil action against the department, the recommending agency, or the custodial agency. 48098
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Sec. 5104.01. As used in this chapter: 48101

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person. 48102
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(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code. 48105
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(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following: 48107
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(1) Communicate on the owner's behalf; 48111

(2) Submit on the owner's behalf applications for licensure or approval; 48112
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(3) Enter into on the owner's behalf provider agreements for publicly funded child care. 48114
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(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act. 48116
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(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following: 48120
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(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;	48123 48124 48125
(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.	48126 48127 48128
(F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.	48129 48130 48131 48132 48133 48134 48135 48136
(G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.	48137 48138 48139 48140
(H) "Child" includes an infant, toddler, preschool-age child, or school-age child.	48141 48142
(I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.	48143 48144 48145
(J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.	48146 48147 48148 48149 48150 48151 48152
(K) "Child care" means all of the following:	48153

(1) Administering to the needs of infants, toddlers,	48154
preschool-age children, and school-age children outside of school	48155
hours;	48156
(2) By persons other than their parents, guardians, or	48157
custodians;	48158
(3) For part of the twenty-four-hour day;	48159
(4) In a place other than a child's own home, except that an	48160
in-home aide provides child care in the child's own home;	48161
(5) By a provider required by this chapter to be licensed or	48162
approved by the department of job and family services, certified	48163
by a county department of job and family services, or under	48164
contract with the department to provide publicly funded child care	48165
as described in section 5104.32 of the Revised Code.	48166
(L) "Child day-care center" and "center" mean any place that	48167
is not the permanent residence of the licensee or administrator in	48168
which child care or publicly funded child care is provided for	48169
seven or more children at one time. "Child day-care center" and	48170
"center" do not include any of the following:	48171
(1) A place located in and operated by a hospital, as defined	48172
in section 3727.01 of the Revised Code, in which the needs of	48173
children are administered to, if all the children whose needs are	48174
being administered to are monitored under the on-site supervision	48175
of a physician licensed under Chapter 4731. of the Revised Code or	48176
a registered nurse licensed under Chapter 4723. of the Revised	48177
Code, and the services are provided only for children who, in the	48178
opinion of the child's parent, guardian, or custodian, are	48179
exhibiting symptoms of a communicable disease or other illness or	48180
are injured;	48181
(2) A child day camp;	48182
(3) A place that provides care, if all of the following	48183

apply:	48184
(a) An organized religious body provides the care;	48185
(b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;	48186 48187 48188
(c) The care is not provided for more than thirty days a year;	48189 48190
(d) The care is provided only for preschool-age and school-age children.	48191 48192
(M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	48193 48194 48195
(N) "Child care resource and referral services" means all of the following services:	48196 48197
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	48198 48199 48200
(2) Provision of individualized consumer education to families seeking child care;	48201 48202
(3) Provision of timely referrals of available child care providers to families seeking child care;	48203 48204
(4) Recruitment of child care providers;	48205
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	48206 48207 48208 48209
(6) Collection and analysis of data on the supply of and demand for child care in the community;	48210 48211
(7) Technical assistance concerning locally, state, and	48212

federally funded child care and early childhood education programs;	48213 48214
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	48215 48216 48217
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	48218 48219
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	48220 48221 48222 48223
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	48224 48225 48226 48227
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties.	48228 48229 48230 48231 48232 48233
(P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	48234 48235 48236 48237
(Q) "Employee" means a person who either:	48238
(1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;	48239 48240 48241
(2) Is assigned specific working hours or duties in a child	48242

day-care center, type A family day-care home, licensed type B 48243
family day-care home, or approved child day camp. 48244

(R) "Employer" means a person, firm, institution, 48245
organization, or agency that operates a child day-care center, 48246
type A family day-care home, licensed type B family day-care home, 48247
or approved child day camp subject to licensure or approval under 48248
this chapter. 48249

(S) "Federal poverty line" means the official poverty 48250
guideline as revised annually in accordance with section 673(2) of 48251
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 48252
U.S.C. 9902, as amended, for a family size equal to the size of 48253
the family of the person whose income is being determined. 48254

(T) "Head start program" means a ~~comprehensive child~~ 48255
~~development~~ school-readiness program ~~servicing birth to three years~~ 48256
~~old and preschool age children that receives~~ satisfies all of the
following: 48257
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(1) Is for children from birth to age five who are from 48259
low-income families; 48260

(2) Receives funds distributed under the "Improving Head 48261
Start for School-Readiness Act of 2007," ~~95 Stat. 499 (1981),~~ 42 48262
U.S.C.A. 9831, as amended, ~~and is;~~ 48263

(3) Is licensed as a child care program. 48264

(U) "Homeless child care" means child care provided to a 48265
child who satisfies any of the following: 48266

(1) Is homeless as defined in 42 U.S.C. 11302; 48267

(2) Is a homeless child or youth as defined in 42 U.S.C. 48268
11434a; 48269

(3) Resides temporarily with a caretaker in a facility 48270
providing emergency shelter for homeless families or is determined 48271
by a county department of job and family services to be homeless. 48272

(V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.	48273 48274 48275
(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements.	48276 48277 48278 48279 48280 48281 48282
(X) "Infant" means a child who is less than eighteen months of age.	48283 48284
(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.	48285 48286 48287 48288 48289 48290
(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.	48291 48292 48293 48294 48295 48296 48297
(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor	48298 48299 48300 48301 48302 48303

space and outdoor play space, and amount of available play equipment, materials, and supplies. 48304
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(BB) "Licensed child care program" means any of the following: 48306
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(1) A child day-care center licensed by the department of job and family services pursuant to this chapter; 48308
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(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter; 48310
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(3) A licensed preschool program or licensed school child program. 48313
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(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education pursuant to sections 3301.52 to 3301.59 of the Revised Code. 48315
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(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code. 48320
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(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter. 48324
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(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp. 48329
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(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity. 48331
48332

(HH) "Parent cooperative child day-care center," "parent 48333

cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(II) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A home" mean a center or type A home that provides child care or publicly funded child care for not more than four hours a day for any child or not more than fifteen consecutive weeks per year, regardless of the number of hours per day.

(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or

another person who stands in loco parentis as defined in rules 48365
adopted under section 5104.38 of the Revised Code. 48366

(MM) "Publicly funded child care" means administering to the 48367
needs of infants, toddlers, preschool-age children, and school-age 48368
children under age thirteen during any part of the 48369
twenty-four-hour day by persons other than their caretaker parents 48370
for remuneration wholly or in part with federal or state funds, 48371
including funds available under the child care block grant act, 48372
Title IV-A, and Title XX, distributed by the department of job and 48373
family services. 48374

(NN) "Religious activities" means any of the following: 48375
worship or other religious services; religious instruction; Sunday 48376
school classes or other religious classes conducted during or 48377
prior to worship or other religious services; youth or adult 48378
fellowship activities; choir or other musical group practices or 48379
programs; meals; festivals; or meetings conducted by an organized 48380
religious group. 48381

(OO) "School-age child" means a child who is enrolled in or 48382
is eligible to be enrolled in a grade of kindergarten or above but 48383
is less than fifteen years old or, in the case of a child who is 48384
receiving special needs child care, is less than eighteen years 48385
old. 48386

(PP) "Serious risk noncompliance" means a licensure or 48387
certification rule violation that leads to a great risk of harm 48388
to, or death of, a child, and is observable, not inferable. 48389

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(QQ) "Special needs child care" means child care provided to 48391
a child who is less than eighteen years of age and either has one 48392
or more chronic health conditions or does not meet age appropriate 48393
expectations in one or more areas of development, including 48394
social, emotional, cognitive, communicative, perceptual, motor, 48395

physical, and behavioral development and that may include on a 48396
regular basis such services, adaptations, modifications, or 48397
adjustments needed to assist in the child's function or 48398
development. 48399

(RR) "Title IV-A" means Title IV-A of the "Social Security 48400
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 48401

(SS) "Title XX" means Title XX of the "Social Security Act," 48402
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 48403

(TT) "Toddler" means a child who is at least eighteen months 48404
of age but less than three years of age. 48405

(UU) "Type A family day-care home" and "type A home" mean the 48406
permanent residence of the administrator in which child care or 48407
publicly funded child care is provided for seven to twelve 48408
children at one time or a permanent residence of the administrator 48409
in which child care is provided for four to twelve children at one 48410
time if four or more children at one time are under two years of 48411
age. In counting children for the purposes of this division, any 48412
children under six years of age who are related to a licensee, 48413
administrator, or employee and who are on the premises of the type 48414
A home shall be counted. "Type A family day-care home" and "type A 48415
home" do not include any child day camp. 48416

(VV) "Type B family day-care home" and "type B home" mean a 48417
permanent residence of the provider in which care is provided for 48418
one to six children at one time and in which no more than three 48419
children are under two years of age at one time. In counting 48420
children for the purposes of this division, any children under six 48421
years of age who are related to the provider and who are on the 48422
premises of the type B home shall be counted. "Type B family 48423
day-care home" and "type B home" do not include any child day 48424
camp. 48425

Sec. 5104.017. The director of job and family services shall 48426
adopt rules pursuant to Chapter 119. of the Revised Code governing 48427
the operation of type A family day-care homes, including parent 48428
cooperative type A homes, part-time type A homes, and drop-in type 48429
A homes, ~~and school-age child type A homes~~. The rules shall 48430
reflect the various forms of child care and the needs of children 48431
receiving child care. The rules shall include the following: 48432

(A) Submission of a site plan and descriptive plan of 48433
operation to demonstrate how the type A home proposes to meet the 48434
requirements of this chapter and rules adopted pursuant to this 48435
chapter for the initial license application; 48436

(B) Standards for ensuring that the physical surroundings of 48437
the type A home are safe and sanitary, including the physical 48438
environment, the physical plant, and the equipment of the type A 48439
home; 48440

(C) Standards for the supervision, care, and discipline of 48441
children receiving child care or publicly funded child care in the 48442
type A home; 48443

(D) Standards for a program of activities, and for play 48444
equipment, materials, and supplies, to enhance the development of 48445
each child; however, any educational curricula, philosophies, and 48446
methodologies that are developmentally appropriate and that 48447
enhance the social, emotional, intellectual, and physical 48448
development of each child shall be permissible; 48449

(E) Admissions policies and procedures; 48450

(F) Health care policies and procedures, including procedures 48451
for the isolation of children with communicable diseases; 48452

(G) First aid and emergency procedures; 48453

(H) Procedures for discipline and supervision of children; 48454

(I) Standards for the provision of nutritious meals and 48455

snacks;	48456
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	48457 48458 48459
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	48460 48461
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	48462 48463 48464 48465
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	48466 48467 48468
(N) Procedures for record keeping, organization, and administration;	48469 48470
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	48471 48472 48473
(P) Inspection procedures;	48474
(Q) Procedures and standards for setting initial license application fees;	48475 48476
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	48477 48478
(S) Procedures for enforcing section 5104.04 of the Revised Code;	48479 48480
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	48481 48482 48483 48484 48485

(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	48486 48487 48488 48489
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	48490 48491 48492 48493
(W) Standards for the maximum number of children per child-care staff member;	48494 48495
(X) Requirements for the amount of usable indoor floor space for each child;	48496 48497
(Y) Requirements for safe outdoor play space;	48498
(Z) Qualifications and training requirements for administrators and for child-care staff members;	48499 48500
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	48501 48502 48503
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	48504 48505
(CC) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	48506 48507 48508
(DD) <u>(CC)</u> Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	48509 48510
Sec. 5104.07. (A) The director of job and family services may prescribe additional requirements for licensing child day-care centers or type A family day-care homes that provide publicly funded child care pursuant to this chapter and any rules adopted	48511 48512 48513 48514

under it. The director shall develop standards as required by 48515
federal laws and regulations for child care programs supported by 48516
federal funds. 48517

(B)(1) On or before February 28, 1992, the department of job 48518
and family services shall develop a statewide plan for child care 48519
resource and referral services. The plan shall be based upon the 48520
experiences of other states with respect to child care resource 48521
and referral services, the experiences of communities in this 48522
state that have child care resource and referral service 48523
organizations, and the needs of communities in this state that do 48524
not have child care resource and referral service organizations. 48525
The plan shall be designed to ensure that child care resource and 48526
referral services are available in each county in the state to 48527
families who need child care. The department shall consider the 48528
special needs of migrant workers when it develops the plan and 48529
shall include in the plan procedures designed to accommodate the 48530
needs of migrant workers. 48531

~~(2) The director of job and family services shall adopt rules 48532
for funding child care resource and referral service 48533
organizations. The rules In addition to the requirements described 48534
in division (B)(1) of this section, the plan shall include all of 48535
the following: 48536~~

(a) A description of the services that a child care resource 48537
and referral service organization is required to provide to 48538
families who need child care; 48539

(b) The qualifications for a child care resource and referral 48540
service organization; 48541

(c) A description of the procedures for providing federal and 48542
state funding for county or multicounty child care resource and 48543
referral service organizations; 48544

(d) A timetable for providing child care resource and 48545

referral services to all communities in the state; 48546

(e) Uniform information gathering and reporting procedures 48547
that are designed to be used in compatible computer systems; 48548

(f) Procedures for establishing statewide nonprofit technical 48549
assistance services to coordinate uniform data collection and to 48550
publish reports on child care supply, demand, and cost and to 48551
provide technical assistance to communities that do not have child 48552
care resource and referral service organizations and to existing 48553
child care resource and referral service organizations; 48554

(g) Requirements governing contracts entered into under 48555
division (C) of this section, which may include limits on the 48556
percentage of funds distributed by the department that may be used 48557
for the contracts. 48558

(C) Child care resource and referral service organizations 48559
receiving funds distributed by the department may, ~~in accordance~~ 48560
~~with rules adopted under division (B)(2) of this section,~~ enter 48561
into contracts with local governmental entities, nonprofit 48562
organizations including nonprofit organizations that provide child 48563
care, and individuals under which the entities, organizations, or 48564
individuals may provide child care resource and referral services 48565
in the community with those funds, if the contracts are submitted 48566
to and approved by the department prior to execution. 48567

Sec. 5104.29. (A) As used in this section, "early learning 48568
and development program" has the same meaning as "licensed child 48569
care program" as defined in section 5104.01 of the Revised Code. 48570

(B) There is hereby created in the department of job and 48571
family services the step up to quality program, under which the 48572
department of job and family services, in cooperation with the 48573
department of education, shall develop a tiered quality rating and 48574
improvement system for all early learning and development programs 48575

in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;

(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;

(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;

(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.

(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs

that maintain a quality rating may be eligible for unrestricted
monetary awards. 48606
48607

(E) The tiered ratings developed pursuant to this section 48608
shall be based on an early learning and development program's 48609
performance in meeting program standards in the following four 48610
domains: 48611

(1) Learning and development; 48612

(2) Administration and leadership practices; 48613

(3) Staff quality and professional development; 48614

(4) Family and community partnerships. 48615

(F) The director of job and family services, in collaboration 48616
with the superintendent of public instruction, shall adopt rules 48617
in accordance with Chapter 119. of the Revised Code to implement 48618
the step up to quality program described in this section. 48619

(G)(1) ~~The By June 30, 2025, the~~ department of job and family 48620
services shall ensure that ~~the following percentages of all~~ early 48621
learning and development programs that provide publicly funded 48622
child care are rated in the third highest tier or above in the 48623
step up to quality program. 48624

~~(a) By June 30, 2017, twenty five per cent;~~ 48625

~~(b) By June 30, 2019, forty per cent;~~ 48626

~~(c) By June 30, 2021, sixty per cent;~~ 48627

~~(d) By June 30, 2023, eighty per cent;~~ 48628

~~(e) By June 30, 2025, one hundred per cent.~~ 48629

(2) This division does not apply to early learning and 48630
development programs that are either of the following: 48631

(a) Licensed type B family day-care homes; 48632

(b) Providers described in division (C)(2) of section 5104.31 48633

of the Revised Code. 48634

Sec. 5104.34. (A)(1) Each county department of job and family 48635
services shall implement procedures for making determinations of 48636
eligibility for publicly funded child care. Under those 48637
procedures, the eligibility determination for each applicant shall 48638
be made no later than thirty calendar days from the date the 48639
county department receives a completed application for publicly 48640
funded child care. Each applicant shall be notified promptly of 48641
the results of the eligibility determination. An applicant 48642
aggrieved by a decision or delay in making an eligibility 48643
determination may appeal the decision or delay to the department 48644
of job and family services in accordance with section 5101.35 of 48645
the Revised Code. The due process rights of applicants shall be 48646
protected. 48647

To the extent permitted by federal law, the county department 48648
may make all determinations of eligibility for publicly funded 48649
child care, may contract with child care providers or child care 48650
resource and referral service organizations for the providers or 48651
resource and referral service organizations to make all or any 48652
part of the determinations, and may contract with child care 48653
providers or child care resource and referral service 48654
organizations for the providers or resource and referral service 48655
organizations to collect specified information for use by the 48656
county department in making determinations. If a county department 48657
contracts with a child care provider or a child care resource and 48658
referral service organization for eligibility determinations or 48659
for the collection of information, the contract shall require the 48660
provider or resource and referral service organization to make 48661
each eligibility determination no later than thirty calendar days 48662
from the date the provider or resource and referral organization 48663
receives a completed application that is the basis of the 48664
determination and to collect and transmit all necessary 48665

information to the county department within a period of time that 48666
enables the county department to make each eligibility 48667
determination no later than thirty days after the filing of the 48668
application that is the basis of the determination. 48669

The county department may station employees of the department 48670
in various locations throughout the county to collect information 48671
relevant to applications for publicly funded child care and to 48672
make eligibility determinations. The county department, child care 48673
provider, and child care resource and referral service 48674
organization shall make each determination of eligibility for 48675
publicly funded child care no later than thirty days after the 48676
filing of the application that is the basis of the determination, 48677
shall make each determination in accordance with any relevant 48678
rules adopted pursuant to section 5104.38 of the Revised Code, and 48679
shall notify promptly each applicant for publicly funded child 48680
care of the results of the determination of the applicant's 48681
eligibility. 48682

The director of job and family services shall adopt rules in 48683
accordance with Chapter 119. of the Revised Code for monitoring 48684
the eligibility determination process. In accordance with those 48685
rules, the state department shall monitor eligibility 48686
determinations made by county departments of job and family 48687
services and shall direct any entity that is not in compliance 48688
with this division or any rule adopted under this division to 48689
implement corrective action specified by the department. 48690

(2)(a) All eligibility determinations for publicly funded 48691
child care shall be made in accordance with rules adopted pursuant 48692
to division (A) of section 5104.38 of the Revised Code. Except as 48693
otherwise provided in this section, ~~both~~ all of the following 48694
apply: 48695

(i) Publicly funded child care may be provided only to 48696
eligible infants, toddlers, preschool-age children, school-age 48697

children under age thirteen, or children receiving special needs
child care. 48698
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(ii) For an applicant to be eligible for publicly funded 48700
child care, the caretaker parent must be employed or participating 48701
in a program of education or training for an amount of time 48702
reasonably related to the time that the parent's children are 48703
receiving publicly funded child care. This restriction does not 48704
apply to families whose children are eligible for protective child 48705
care. 48706

(iii) The eligibility period for publicly funded child care 48707
shall be at least twelve months. 48708

(b) In accordance with rules adopted under division (B) of 48709
section 5104.38 of the Revised Code, an applicant may receive 48710
publicly funded child care while the county department determines 48711
eligibility. An applicant may receive publicly funded child care 48712
while a county department determines eligibility only once during 48713
a twelve-month period. If the county department determines that an 48714
applicant is not eligible for publicly funded child care, the 48715
child care provider shall be paid for providing publicly funded 48716
child care for up to five days after that determination if the 48717
county department received a completed application with all 48718
required documentation. A program may appeal a denial of payment 48719
under this division. 48720

(c) If a caretaker parent who has been determined eligible to 48721
receive publicly funded child care no longer meets the 48722
requirements of division (A)(2)(a)(ii) of this section, the 48723
caretaker parent may continue to receive publicly funded child 48724
care for a period of ~~up to thirteen weeks~~ at least three months 48725
not to extend beyond the caretaker parent's ~~twelve-month~~ 48726
eligibility period. 48727

(d) If a child turns thirteen, or if a child receiving 48728

special needs child care turns eighteen, during the ~~twelve-month~~ 48729
eligibility period, the caretaker parent may continue to receive 48730
publicly funded child care until the end of that ~~twelve-month~~ 48731
eligibility period. 48732

Subject to available funds, the department of job and family 48733
services shall allow a family to receive publicly funded child 48734
care unless the family's income exceeds the maximum income 48735
eligibility limit. Initial and continued eligibility for publicly 48736
funded child care is subject to available funds unless the family 48737
is receiving child care pursuant to division (A)(1), (2), (3), or 48738
(4) of section 5104.30 of the Revised Code. If the department must 48739
limit eligibility due to lack of available funds, it shall give 48740
first priority for publicly funded child care to an assistance 48741
group whose income is not more than the maximum income eligibility 48742
limit that received transitional child care in the previous month 48743
but is no longer eligible because the ~~twelve-month~~ eligibility 48744
period has expired. Such an assistance group shall continue to 48745
receive priority for publicly funded child care until its income 48746
exceeds the maximum income eligibility limit. 48747

(3) An assistance group that ceases to participate in the 48748
Ohio works first program established under Chapter 5107. of the 48749
Revised Code is eligible for transitional child care at any time 48750
during the immediately following twelve-month period that both of 48751
the following apply: 48752

(a) The assistance group requires child care due to 48753
employment; 48754

(b) The assistance group's income is not more than one 48755
hundred fifty per cent of the federal poverty line. 48756

An assistance group ineligible to participate in the Ohio 48757
works first program pursuant to section 5101.83 or section 5107.16 48758
of the Revised Code is not eligible for transitional child care. 48759

(B) To the extent permitted by federal law, the department of 48760
job and family services may require a caretaker parent determined 48761
to be eligible for publicly funded child care to pay a fee 48762
according to the schedule of fees established in rules adopted 48763
under section 5104.38 of the Revised Code. The department shall 48764
make protective child care services and homeless child care 48765
services available to children without regard to the income or 48766
assets of the caretaker parent of the child. 48767

(C) A caretaker parent receiving publicly funded child care 48768
shall report to the entity that determined eligibility any changes 48769
in status with respect to employment or participation in a program 48770
of education or training not later than ten calendar days after 48771
the change occurs. 48772

(D) If the department of job and family services determines 48773
that available resources are not sufficient to provide publicly 48774
funded child care to all eligible families who request it, the 48775
department may establish a waiting list. The department may 48776
establish separate waiting lists within the waiting list based on 48777
income. 48778

(E) A caretaker parent shall not receive publicly funded 48779
child care from more than one child care provider per child during 48780
a week, unless a county department grants the family an exemption 48781
for one of the following reasons: 48782

(1) The child needs additional care during non-traditional 48783
hours; 48784

(2) The child needs to change providers in the middle of the 48785
week and the hours of care provided by the providers do not 48786
overlap; 48787

(3) The child's provider is closed on scheduled school days 48788
off or on calamity days; 48789

~~(4) The child is enrolled in a part time program 48790~~

~~participating in the tiered quality rating and improvement system 48791~~
~~established under section 5104.29 of the Revised Code and needs 48792~~
~~care from an additional part time provider. 48793~~

(F) As used in this section, "maximum income eligibility 48794
limit" means the amount of income specified in rules adopted under 48795
division (A) of section 5104.38 of the Revised Code. 48796

Sec. 5107.10. (A) As used in this section: 48797

(1) "Countable income," "gross earned income," and "gross 48798
unearned income" have the meanings established in rules adopted 48799
under section 5107.05 of the Revised Code. 48800

(2) "Federal poverty guidelines" has the same meaning as in 48801
section 5101.46 of the Revised Code, except that references to a 48802
person's family in the definition shall be deemed to be references 48803
to the person's assistance group. 48804

(3) "Gross income" means gross earned income and gross 48805
unearned income. 48806

(4) "Strike" means continuous concerted action in failing to 48807
report to duty; willful absence from one's position; or stoppage 48808
of work in whole from the full, faithful, and proper performance 48809
of the duties of employment, for the purpose of inducing, 48810
influencing, or coercing a change in wages, hours, terms, and 48811
other conditions of employment. "Strike" does not include a 48812
stoppage of work by employees in good faith because of dangerous 48813
or unhealthful working conditions at the place of employment that 48814
are abnormal to the place of employment. 48815

(B) Under the Ohio works first program, an assistance group 48816
shall receive, except as otherwise provided by this chapter, 48817
time-limited cash assistance. In the case of an assistance group 48818
that includes a minor head of household or adult, assistance shall 48819
be provided in accordance with the self-sufficiency contract 48820

entered into under section 5107.14 of the Revised Code. 48821

(C)(1) To be eligible to participate in Ohio works first, an 48822
assistance group must meet all of the following requirements: 48823

(a) The assistance group, except as provided in division (E) 48824
of this section, must include at least one of the following: 48825

(i) A minor child who, except as provided in section 5107.24 48826
of the Revised Code, resides with a parent, or specified relative 48827
caring for the child, or, to the extent permitted by Title IV-A 48828
and federal regulations adopted until Title IV-A, resides with a 48829
guardian or custodian caring for the child; 48830

(ii) A parent residing with and caring for the parent's minor 48831
child who receives supplemental security income under Title XVI of 48832
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 48833
as amended, or federal, state, or local adoption assistance; 48834

(iii) A specified relative residing with and caring for a 48835
minor child who is related to the specified relative in a manner 48836
that makes the specified relative a specified relative and 48837
receives supplemental security income or federal, state, or local 48838
foster care, kinship guardianship, or adoption assistance; 48839

(iv) A woman at least six months pregnant. 48840

(b) The assistance group must meet the income requirements 48841
established by division (D) of this section. 48842

(c) No member of the assistance group may be involved in a 48843
strike. 48844

(d) The assistance group must satisfy the requirements for 48845
Ohio works first established by this chapter and section 5101.83 48846
of the Revised Code. 48847

(e) The assistance group must meet requirements for Ohio 48848
works first established by rules adopted under section 5107.05 of 48849
the Revised Code. 48850

(2) In addition to meeting the requirements specified in 48851
division (C)(1) of this section, a member of an assistance group 48852
who is required by section 5116.10 of the Revised Code to 48853
participate in the comprehensive case management and employment 48854
program must participate in that program to be eligible to 48855
participate in Ohio works first. 48856

(D)(1) Except as provided in division (D)(4) of this section, 48857
to determine whether an assistance group is initially eligible to 48858
participate in Ohio works first, a county department of job and 48859
family services shall do the following: 48860

(a) Determine whether the assistance group's gross income 48861
exceeds fifty per cent of the federal poverty guidelines. In 48862
making this determination, the county department shall disregard 48863
amounts that federal statutes or regulations and sections 5101.17 48864
and 5117.10 of the Revised Code require be disregarded. The 48865
assistance group is ineligible to participate in Ohio works first 48866
if the assistance group's gross income, less the amounts 48867
disregarded, exceeds fifty per cent of the federal poverty 48868
guidelines. 48869

(b) If the assistance group's gross income, less the amounts 48870
disregarded pursuant to division (D)(1)(a) of this section, does 48871
not exceed fifty per cent of the federal poverty guidelines, 48872
determine whether the assistance group's countable income is less 48873
than the payment standard. The assistance group is ineligible to 48874
participate in Ohio works first if the assistance group's 48875
countable income equals or exceeds the payment standard. 48876

(2) For the purpose of determining whether an assistance 48877
group meets the income requirement established by division 48878
(D)(1)(a) of this section, the annual revision that the United 48879
States department of health and human services makes to the 48880
federal poverty guidelines shall go into effect on the first day 48881
of July of the year for which the revision is made. 48882

(3) To determine whether an assistance group participating in Ohio works first continues to be eligible to participate, a county department of job and family services shall determine whether the assistance group's countable income continues to be less than the payment standard. In making this determination, the county department shall disregard an amount specified in rules adopted under section 5107.05 of the Revised Code and fifty per cent of the remainder of the assistance group's gross earned income. No amounts shall be disregarded from the assistance group's gross unearned income. The assistance group ceases to be eligible to participate in Ohio works first if its countable income, less the amounts disregarded, equals or exceeds the payment standard.

(4) If an assistance group reapplies to participate in Ohio works first not more than four months after ceasing to participate, a county department of job and family services shall use the income requirement established by division (D)(3) of this section to determine eligibility for resumed participation rather than the income requirement established by division (D)(1) of this section.

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under

section 2151.412 of the Revised Code and that the agency is making 48915
reasonable efforts to return the children to the assistance group. 48916

(2) An assistance group may continue to participate in Ohio 48917
works first pursuant to division (E)(1) of this section for not 48918
more than six payment months. This division does not affect the 48919
eligibility of an assistance group that includes a woman at least 48920
six months pregnant. 48921

Sec. 5119.191. (A) As used in this section: 48922

(1) "Drug used in medication-assisted treatment or in 48923
withdrawal management or detoxification" means any drug approved 48924
by the United States food and drug administration for use in 48925
medication-assisted treatment, in mitigating opioid withdrawal 48926
symptoms, or in assisting with detoxification, regardless of the 48927
method the drug is administered or the form in which it is 48928
dispensed, including an oral drug, an injectable drug, or a 48929
long-acting or extended-release drug. "Drug used in 48930
medication-assisted treatment or in withdrawal management or 48931
detoxification" includes all of the following: 48932

(a) Any full agonist; 48933

(b) Any partial agonist; 48934

(c) Any antagonist; 48935

(d) Any alpha-2 adrenergic agonist. 48936

(2) "Medication-assisted treatment" has the same meaning as 48937
in section 340.01 of the Revised Code. 48938

(3) "Prescribed drug" has the same meaning as in section 48939
5164.01 of the Revised Code. 48940

(4) "Withdrawal management or detoxification" means a set of 48941
medical interventions aimed at managing the acute physical 48942
symptoms of intoxication and withdrawal. Detoxification denotes a 48943

clearing of toxins from the body of the patient who is acutely 48944
intoxicated, dependent on a substance of abuse, or both. 48945
Withdrawal management seeks to minimize the physical harm caused 48946
by the intoxication and withdrawal from a substance of abuse. 48947
Withdrawal management or detoxification occurs when the patient 48948
has a substance use disorder and either evidence of the 48949
characteristic withdrawal syndrome produced by withdrawal from 48950
that substance or evidence that supports the expectation that such 48951
a syndrome would develop without the provision of detoxification 48952
services. Withdrawal management alone does not constitute 48953
substance abuse treatment or rehabilitation. 48954

(B) There is hereby created a reimbursement program for drugs 48955
used in medication-assisted treatment or in withdrawal management 48956
or detoxification. The program shall be administered by the 48957
department of mental health and addiction services. 48958

The purpose of the program is to provide state reimbursement 48959
to counties for the cost of any drug used in medication-assisted 48960
treatment or in withdrawal management or detoxification and 48961
administered or dispensed to inmates of county jails in this 48962
state. Each county shall ensure that inmates have access to any 48963
drug used in medication-assisted treatment or in withdrawal 48964
management or detoxification that is a prescribed drug covered by 48965
the fee-for-service component of the medicaid program. 48966

The department, based on factors it considers appropriate, 48967
shall allocate an amount to each county for reimbursement of such 48968
drug costs incurred by the county. 48969

(C) The director of mental health and addiction services may 48970
adopt rules to implement this section. The rules, if adopted, 48971
shall be adopted in accordance with Chapter 119. of the Revised 48972
Code. 48973

Sec. 5119.27. (A) Records As used in this section: 48974

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 48975
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(2) "Federally assisted," "program," and "substance use disorder" have the same meanings as in 42 C.F.R. 2.11 and as further described in 42 C.F.R. 2.12(b). 48977
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(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 48980
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(B) In accordance with 42 U.S.C. 290dd-2, records or information, other than court journal entries or court docket entries, pertaining to the identity, diagnosis, or treatment of any person seeking or receiving services that are maintained in connection with the performance of any drug treatment program or services licensed by, or certified by, the director of mental health and addiction services under this chapter created or maintained by a federally assisted program for the treatment of substance use disorders shall be kept confidential, and may be disclosed only for the purposes and under the circumstances expressly authorized under this section, and may not otherwise be divulged in any civil, criminal, administrative, or legislative proceeding 42 C.F.R. Part 2. 48982
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~~(B)(C)~~ When the person, with respect to whom any record or information referred to in division ~~(A)~~(B) of this section is maintained, gives consent in the form of a written release signed by the person, the content of the record or information may be disclosed if the written release conforms to all of the ~~following~~: 48995
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~~(1) Specifically identifies the person, official, or entity to whom the information is to be provided;~~ 49000
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~~(2) Describes with reasonable specificity the record, records, or information to be disclosed; and~~ 49002
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~~(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information~~ 49004
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requirements set forth in 42 C.F.R. 2.31. 49006

~~(C) A~~ (D) In accordance with 42 C.F.R. 2.35, a person who is 49007
subject to a community control sanction, ~~parole,~~ or a post-release 49008
control sanction, is on parole, or ~~who~~ is ordered to 49009
~~rehabilitation~~ intervention in lieu of conviction, and who has 49010
agreed to participate in a ~~drug treatment or rehabilitation~~ 49011
~~program~~ federally assisted program for the treatment of substance 49012
use disorders as a condition of the community control sanction, 49013
post-release control sanction, parole, or intervention order ~~to~~ 49014
~~rehabilitation,~~ shall ~~be considered to have consented~~ consent to 49015
the release of records and information relating to the progress of 49016
treatment, frequency of treatment, adherence to treatment 49017
requirements, and probable outcome of treatment. Release of 49018
information and records under this division shall be limited to 49019
the court or governmental personnel having the responsibility for 49020
supervising the person's community control sanction, post-release 49021
control sanction, parole, or intervention order ~~to rehabilitation.~~ 49022
A person, described in this division, who refuses to allow 49023
disclosure may be considered in violation of the conditions of the 49024
person's community control sanction, post-release control 49025
sanction, parole, or intervention order ~~to rehabilitation.~~ 49026

~~(D) Disclosure~~ (E) In accordance with 42 C.F.R. 2.52 and 49027
2.53, disclosure of a person's record may be made without the 49028
person's consent to qualified personnel for the purpose of 49029
conducting scientific research, management, financial audits, or 49030
program evaluation, but these personnel may not identify, directly 49031
or indirectly, any ~~individual~~ particular person in any report of 49032
the research, audit, or evaluation, or otherwise disclose a 49033
person's identity in any manner. 49034

~~(E) Upon~~ (F) In accordance with 42 C.F.R. 2.66, upon the 49035
request of a prosecuting attorney or the director of mental health 49036
and addiction services, a court of competent jurisdiction may 49037

order the disclosure of records or information referred to in 49038
division ~~(A)~~(B) of this section if the court has reason to believe 49039
that a ~~treatment program or facility~~ federally assisted program 49040
for the treatment of substance use disorders is being operated or 49041
used in a manner contrary to law. The use of any information or 49042
record so disclosed shall be limited to the prosecution of persons 49043
who are or may be charged with any offense related to the illegal 49044
operation or use of the ~~drug treatment program or facility~~, or to 49045
the decision to withdraw the authority of a ~~drug treatment~~ the 49046
~~program or facility~~ to continue operation. For purposes of this 49047
division the court shall do all of the following: 49048

(1) Limit disclosure to those parts of the person's record 49049
considered essential to fulfill the objective for which the order 49050
was granted; 49051

(2) Require, where appropriate, that all information be 49052
disclosed in chambers; 49053

(3) Include any other appropriate measures to keep disclosure 49054
to a minimum, consistent with the protection of the persons 49055
seeking or receiving services, the ~~physician-patient~~ 49056
provider-client relationship, and the administration of the ~~drug~~ 49057
~~treatment and rehabilitation~~ program. 49058

~~(F) As used in this section:~~ 49059

~~(1) "Community control sanction" has the same meaning as in~~ 49060
~~section 2929.01 of the Revised Code.~~ 49061

~~(2) "Post-release control sanction" has the same meaning as~~ 49062
~~in section 2967.01 of the Revised Code.~~ 49063

Sec. 5119.33. (A)(1) The department of mental health and 49064
addiction services shall inspect and license all hospitals that 49065
receive mentally ill persons, except those hospitals managed by 49066
the department. No hospital may receive for care or treatment, 49067

either at public or private expense, any person who is or appears 49068
to be mentally ill, whether or not so adjudicated, unless the 49069
hospital has received a license from the department authorizing it 49070
to receive for care or treatment persons who are mentally ill or 49071
the hospital is managed by the department. 49072

(2) No such license shall be granted to a hospital for the 49073
treatment of mentally ill persons unless the department is 49074
satisfied, after investigation, that the hospital is managed and 49075
operated by qualified persons and has on its staff one or more 49076
qualified physicians responsible for the medical care of the 49077
patients confined there. At least one such physician shall be a 49078
psychiatrist. 49079

(B) The department shall adopt rules under Chapter 119. of 49080
the Revised Code prescribing minimum standards for the operation 49081
of hospitals for the care and treatment of mentally ill persons 49082
and establishing standards and procedures for the issuance, 49083
renewal, or revocation of full, probationary, and interim 49084
licenses. No license shall be granted to any hospital established 49085
or used for the care of mentally ill persons unless such hospital 49086
is operating in accordance with this section and rules adopted 49087
pursuant to this section. A full license shall expire one year 49088
after the date of issuance, a probationary license shall expire at 49089
the time prescribed by rule adopted pursuant to Chapter 119. of 49090
the Revised Code by the director of mental health and addiction 49091
services, and an interim license shall expire ninety days after 49092
the date of issuance. A full, probationary, or interim license may 49093
be renewed, except that an interim license may be renewed only 49094
twice. The department may fix reasonable fees for licenses and for 49095
license renewals. Such hospitals are subject to inspection and 49096
on-site review by the department. 49097

(C) Except as otherwise provided in Chapter 5122. of the 49098
Revised Code, neither the director of mental health and addiction 49099

services; an employee of the department; a board of alcohol, drug 49100
addiction, and mental health services or employee of a community 49101
mental health services provider; nor any other public official 49102
shall hospitalize any mentally ill person for care or treatment in 49103
any hospital that is not licensed in accordance with this section. 49104

(D)(1) The department may issue an order suspending the 49105
admission of patients who are mentally ill to a hospital for care 49106
or treatment if it finds either of the following: 49107

~~(1)(a)~~ The hospital is not in compliance with rules adopted 49108
by the director pursuant to this section. 49109

~~(2)(b)~~ The hospital has been cited for more than one 49110
violation of statutes or rules during any previous period of time 49111
during which the hospital is licensed pursuant to this section. 49112

(2)(a) Except as provided in division (D)(2)(b) of this 49113
section, proceedings initiated to suspend the admission of 49114
patients are governed by Chapter 119. of the Revised Code. 49115

(b) If a suspension of admissions is proposed because the 49116
director has determined that the licensee has demonstrated a 49117
pattern of serious noncompliance or that a violation creates a 49118
substantial risk to the health and safety of patients, the 49119
director may issue an order imposing the suspension of admissions 49120
before providing an opportunity for an adjudication under Chapter 49121
119. of the Revised Code. The director shall lift the order for 49122
the suspension of admissions if the director determines that the 49123
violation that formed the basis for the order has been corrected. 49124

(3) Appeals from proceedings initiated to order the 49125
suspension of admissions shall be conducted in accordance with 49126
Chapter 119. of the Revised Code, unless the order was issued 49127
before providing an opportunity for an adjudication, in which case 49128
all of the following apply: 49129

(a) The licensee may request a hearing not later than ten 49130

days after receiving the notice specified in section 119.07 of the Revised Code. 49131
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(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request. 49133
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(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director. 49136
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(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 49140
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(i) The close of the hearing; 49144

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 49145
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 49147
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 49149
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 49153
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 49156
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(h) Notwithstanding the pendency of the hearing, the 49160

department shall lift the order for the suspension of admissions 49161
if the department determines the violation that formed the basis 49162
for the order has been corrected. 49163

(E)(1) Any license issued by the department under this 49164
section may be revoked or not renewed by the department for any of 49165
the following reasons: 49166

~~(1)~~(a) The hospital is no longer a suitable place for the 49167
care or treatment of mentally ill persons. 49168

~~(2)~~(b) The hospital refuses to be subject to inspection or 49169
on-site review by the department. 49170

~~(3)~~(c) The hospital has failed to furnish humane, kind, and 49171
adequate treatment and care. 49172

~~(4)~~(d) The hospital fails to comply with the licensure rules 49173
of the department. 49174

(2) Proceedings initiated to deny applications for full or 49175
probationary licenses, to refuse to renew full or probationary 49176
licenses, or to revoke full or probationary licenses are governed 49177
by Chapter 119. of the Revised Code. If an order has been issued 49178
suspending the admission of patients, the order remains in effect 49179
during the pendency of those proceedings. 49180

(F)(1) In a proceeding initiated to suspend the admission of 49181
patients, to deny an application for a full or probationary 49182
license, to refuse to renew a full or probationary license, or to 49183
revoke a full or probationary license, the department may order 49184
the suspension, denial, refusal, or revocation regardless of 49185
whether some or all of the deficiencies that prompted the 49186
proceedings have been corrected at the time of the hearing. 49187

(2) When the department issues an order suspending the 49188
admission of patients, denies an application for a full or 49189
probationary license, refuses to renew a full or probationary 49190

license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.34. (A) As used in this section and sections 5119.341 and 5119.342 of the Revised Code:

(1) "Accommodations" means housing, daily meal preparation, laundry, housekeeping, arranging for transportation, social and recreational activities, maintenance, security, and other services that do not constitute personal care services or skilled nursing care.

(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services.

(3) "Adult" means a person who is eighteen years of age or older, other than a person described in division (A)(4) of this section who is between eighteen and twenty-one years of age.

(4) "Child" means a person who is under eighteen years of age or a person with a mental disability who is under twenty-one years of age.

(5) "Community mental health services provider" means a community mental health services provider as defined in section 5119.01 of the Revised Code.

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code.

(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and

management of a residential facility and that is the applicant for a residential facility license. 49221
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(8) "Personal care services" means services including, but not limited to, the following: 49223
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(a) Assisting residents with activities of daily living; 49225

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 49226
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(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 49228
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"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services. 49232
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(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 49237
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(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 49240
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(11) "Supervision" means any of the following: 49242

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; 49243
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(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; 49246
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(c) Assisting a resident in making or keeping an appointment. 49249

(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.

(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:

(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;

(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:

(i) One or two unrelated persons with mental illness;

(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;

(iii) Three to sixteen unrelated adults.

(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.

(2) "Residential facility" does not include any of the following:

(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed, and governed by the department of mental health and addiction services for the hospitalization of mentally ill persons pursuant to section 5119.14 of the Revised Code;

(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;

(c) An institution or association subject to certification	49280
under section 5103.03 of the Revised Code;	49281
(d) A facility operated by a hospice care program licensed	49282
under section 3712.04 of the Revised Code that is used exclusively	49283
for care of hospice patients;	49284
(e) A nursing home, residential care facility, or home for	49285
the aging as defined in section 3721.02 of the Revised Code;	49286
(f) A facility licensed under section 5119.37 of the Revised	49287
Code to operate an opioid treatment program;	49288
(g) Any facility that receives funding for operating costs	49289
from the <u>department of development services</u> agency under any	49290
program established to provide emergency shelter housing or	49291
transitional housing for the homeless;	49292
(h) A terminal care facility for the homeless that has	49293
entered into an agreement with a hospice care program under	49294
section 3712.07 of the Revised Code;	49295
(i) A facility approved by the veterans administration under	49296
section 104(a) of the "Veterans Health Care Amendments of 1983,"	49297
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for	49298
the placement and care of veterans;	49299
(j) The residence of a relative or guardian of a person with	49300
mental illness.	49301
(C) Nothing in division (B) of this section shall be	49302
construed to permit personal care services to be imposed on a	49303
resident who is capable of performing the activity in question	49304
without assistance.	49305
(D) Except in the case of a residential facility described in	49306
division (B)(1)(a) of this section, members of the staff of a	49307
residential facility shall not administer medication to the	49308
facility's residents, but may do any of the following:	49309

(1) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;

(2) Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this section, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.

(3) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.

(E)(1) Except as provided in division (E)(2) of this section, a person operating or seeking to operate a residential facility shall apply for licensure of the facility to the department of mental health and addiction services. The application shall be submitted by the operator. When applying for the license, the applicant shall pay to the department the application fee specified in rules adopted under division ~~(L)~~(N) of this section. The fee is nonrefundable.

The department shall send a copy of an application to the ADAMHS board serving the county in which the person operates or seeks to operate the facility. The ADAMHS board shall review the application and provide to the department any information about the applicant or the facility that the board would like the department to consider in reviewing the application.

(2) A person may not apply for a license to operate a

residential facility if the person is or has been the owner, 49341
operator, or manager of a residential facility for which a license 49342
to operate was revoked or for which renewal of a license was 49343
refused for any reason other than nonpayment of the license 49344
renewal fee, unless both of the following conditions are met: 49345

(a) A period of not less than two years has elapsed since the 49346
date the director of mental health and addiction services issued 49347
the order revoking or refusing to renew the facility's license. 49348

(b) The director's revocation or refusal to renew the license 49349
was not based on an act or omission at the facility that violated 49350
a resident's right to be free from abuse, neglect, or 49351
exploitation. 49352

~~(F)~~(1)~~(F)~~ The department of mental health and addiction 49353
services shall inspect and license the operation of residential 49354
facilities. The department shall consider the past record of the 49355
facility and the applicant or licensee in arriving at its 49356
licensure decision. 49357

The department may issue full, probationary, and interim 49358
licenses. A full license shall expire up to three years after the 49359
date of issuance, a probationary license shall expire in a shorter 49360
period of time as specified in rules adopted by the director of 49361
mental health and addiction services under division ~~(L)~~(N) of this 49362
section, and an interim license shall expire ninety days after the 49363
date of issuance. A license may be renewed in accordance with 49364
rules adopted by the director under division ~~(L)~~(N) of this 49365
section. The renewal application shall be submitted by the 49366
operator. When applying for renewal of a license, the applicant 49367
shall pay to the department the renewal fee specified in rules 49368
adopted under division ~~(L)~~(N) of this section. The fee is 49369
nonrefundable. 49370

~~(2)~~The~~(G)~~(1) If the department finds any of the following 49371

with respect to a residential facility, the department may issue 49372
an order suspending the admission of residents to the facility or, 49373
refuse to issue or renew and may a license for the facility, or 49374
revoke a the facility's license if it finds any of the following: 49375

(a) The facility is not in compliance with rules adopted by 49376
the director pursuant to division ~~(L)~~(N) of this section; 49377

(b) Any facility operated by the applicant or licensee has 49378
been cited for a pattern of serious noncompliance or repeated 49379
violations of statutes or rules during the period of current or 49380
previous licenses; 49381

(c) The applicant or licensee submits false or misleading 49382
information as part of a license application, renewal, or 49383
investigation. 49384

(2) Proceedings initiated to deny applications for full or 49385
probationary licenses, to refuse to renew full or probationary 49386
licenses, or to revoke such full or probationary licenses are 49387
governed by Chapter 119. of the Revised Code. An If an order has 49388
been issued pursuant to this division suspending the admission of 49389
residents to the facility, the order remains in effect during the 49390
pendency of those proceedings. 49391

Proceedings initiated to suspend the admission of residents 49392
to a facility are governed by Chapter 119. of the Revised Code, 49393
except as provided in division (H) of this section. 49394

(3) In a proceeding initiated to suspend the admission of 49395
residents to a facility, to deny an application for a full or 49396
probationary license, to refuse to renew a full or probationary 49397
license, or to revoke a full or probationary license, the 49398
department may order the suspension, denial, refusal, or 49399
revocation regardless of whether some or all of the deficiencies 49400
that prompted the proceedings have been corrected at the time of 49401
the hearing. 49402

(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after receiving the notice specified in section 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 49434
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(i) The close of the hearing; 49438

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 49439
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 49441
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department. 49443
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(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department. 49447
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 49450
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 49454
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~~(G)~~(I) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 49458
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents 49461
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and an insufficient number of licensed beds are available. 49464

(2) The residential facility applying for an interim license 49465
meets standards established for interim licenses in rules adopted 49466
by the director under division ~~(L)~~(N) of this section. 49467

An interim license shall be valid for ninety days and may be 49468
renewed by the director no more than twice. Proceedings initiated 49469
to deny applications for or to revoke interim licenses under this 49470
division are not subject to Chapter 119. of the Revised Code. 49471

~~(H)(1)~~(J)(1) The department of mental health and addiction 49472
services may conduct an inspection of a residential facility as 49473
follows: 49474

(a) Prior to issuance of a license for the facility; 49475

(b) Prior to renewal of the license; 49476

(c) To determine whether the facility has completed a plan of 49477
correction required pursuant to division ~~(H)(2)~~(J)(2) of this 49478
section and corrected deficiencies to the satisfaction of the 49479
department and in compliance with this section and rules adopted 49480
pursuant to it; 49481

(d) Upon complaint by any individual or agency; 49482

(e) At any time the director considers an inspection to be 49483
necessary in order to determine whether the facility is in 49484
compliance with this section and rules adopted pursuant to this 49485
section. 49486

(2) In conducting inspections the department may conduct an 49487
on-site examination and evaluation of the residential facility and 49488
its personnel, activities, and services. The department shall have 49489
access to examine and copy all records, accounts, and any other 49490
documents relating to the operation of the residential facility, 49491
including records pertaining to residents, and shall have access 49492
to the facility in order to conduct interviews with the operator, 49493

staff, and residents. Following each inspection and review, the 49494
department shall complete a report listing any deficiencies, and 49495
including, when appropriate, a time table within which the 49496
operator shall correct the deficiencies. The department may 49497
require the operator to submit a plan of correction describing how 49498
the deficiencies will be corrected. 49499

~~(I)~~(K) No person shall do any of the following: 49500

(1) Operate a residential facility unless the facility holds 49501
a valid license; 49502

(2) Violate any of the conditions of licensure after having 49503
been granted a license; 49504

(3) Interfere with a state or local official's inspection or 49505
investigation of a residential facility; 49506

(4) Violate any of the provisions of this section or any 49507
rules adopted pursuant to this section. 49508

~~(J)~~(L) The following may enter a residential facility at any 49509
time: 49510

(1) Employees designated by the director of mental health and 49511
addiction services; 49512

(2) Employees of an ADAMHS board under either of the 49513
following circumstances: 49514

(a) When a resident of the facility is receiving services 49515
from a community mental health services provider under contract 49516
with that ADAMHS board or another ADAMHS board; 49517

(b) When authorized by section 340.05 of the Revised Code. 49518

(3) Employees of a community mental health services provider 49519
under either of the following circumstances: 49520

(a) When the provider has a person receiving services 49521
residing in the facility; 49522

(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract. 49523
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(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program. 49525
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The persons specified in division ~~(J)~~(L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents. 49530
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~~(K)~~(M) Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license. 49534
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~~(L)~~(N) The director shall adopt and may amend and rescind rules pursuant to Chapter 119. of the Revised Code governing the licensing and operation of residential facilities. The rules shall establish all of the following: 49540
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(1) Minimum standards for the health, safety, adequacy, and cultural competency of treatment of and services for persons in residential facilities; 49544
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(2) Procedures for the issuance, renewal, or revocation of the licenses of residential facilities; 49547
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(3) Procedures for conducting background investigations for prospective or current operators, employees, volunteers, and other non-resident occupants who may have direct access to facility residents; 49549
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- (4) The fee to be paid when applying for a new residential facility license or renewing the license; 49553
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- (5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification; 49555
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- (6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility; 49561
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- (7) Measures to be taken by residential facilities relative to residents' medication; 49563
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- (8) Requirements relating to preparation of special diets; 49565
- (9) The maximum number of residents who may be served in a residential facility; 49566
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- (10) The rights of residents of residential facilities and procedures to protect such rights; 49568
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- (11) Standards and procedures under which the director may waive the requirements of any of the rules adopted. 49570
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- ~~(M)(1)(O)(1)~~ The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction. 49572
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- (2) Any person who makes a complaint under division ~~(M)(1)(O)(1)~~ of this section, or any person who participates in an administrative or judicial proceeding resulting from such a 49580
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complaint, is immune from civil liability and is not subject to 49583
criminal prosecution, other than for perjury, unless the person 49584
has acted in bad faith or with malicious purpose. 49585

~~(N)~~~~(1)~~~~(P)~~~~(1)~~ The director of mental health and addiction 49586
services may petition the court of common pleas of the county in 49587
which a residential facility is located for an order enjoining any 49588
person from operating a residential facility without a license or 49589
from operating a licensed facility when, in the director's 49590
judgment, there is a present danger to the health or safety of any 49591
of the occupants of the facility. The court shall have 49592
jurisdiction to grant such injunctive relief upon a showing that 49593
the respondent named in the petition is operating a facility 49594
without a license or there is a present danger to the health or 49595
safety of any residents of the facility. 49596

(2) When the court grants injunctive relief in the case of a 49597
facility operating without a license, the court shall issue, at a 49598
minimum, an order enjoining the facility from admitting new 49599
residents to the facility and an order requiring the facility to 49600
assist with the safe and orderly relocation of the facility's 49601
residents. 49602

(3) If injunctive relief is granted against a facility for 49603
operating without a license and the facility continues to operate 49604
without a license, the director shall refer the case to the 49605
attorney general for further action. 49606

~~(O)~~~~(Q)~~ The director may fine a person for violating division 49607
~~(I)~~~~(K)~~ of this section. The fine shall be five hundred dollars for 49608
a first offense; for each subsequent offense, the fine shall be 49609
one thousand dollars. The director's actions in imposing a fine 49610
shall be taken in accordance with Chapter 119. of the Revised 49611
Code. 49612

Sec. 5119.36. (A) A community mental health services provider 49613

applicant or community addiction services provider applicant that 49614
seeks certification of its certifiable services and supports shall 49615
submit an application to the director of mental health and 49616
addiction services. On receipt of the application, the director 49617
may conduct an on-site review and shall evaluate the applicant to 49618
determine whether its certifiable services and supports satisfy 49619
the standards established by rules adopted under this section. The 49620
director shall make the evaluation, and, if the director conducts 49621
an on-site review of the applicant, may make the review, in 49622
cooperation with a board of alcohol, drug addiction, and mental 49623
health services that seeks to contract with the applicant under 49624
section 340.036 of the Revised Code. 49625

(B) Subject to section 5119.361 of the Revised Code, the 49626
director shall determine whether the certifiable services and 49627
supports of a community mental health services provider applicant 49628
or community addiction services provider applicant satisfy the 49629
standards for certification. If the director determines that an 49630
applicant's certifiable services and supports satisfy the 49631
standards for certification and the applicant has paid the fee 49632
required by this section, the director shall certify the 49633
certifiable services and supports. 49634

No community mental health services provider shall be 49635
eligible to receive for its certifiable services and supports any 49636
state funds, federal funds, or funds administered by a board of 49637
alcohol, drug addiction, and mental health services, unless those 49638
certifiable services and supports have been certified by the 49639
director. 49640

No person or government entity subject to section 5119.35 of 49641
the Revised Code or any other community addiction services 49642
provider shall be eligible to receive for its services described 49643
in that section or its other certifiable services and supports any 49644

state funds, federal funds, or funds administered by a board of 49645
alcohol, drug addiction, and mental health services, unless those 49646
services or other certifiable services and supports have been 49647
certified by the director. 49648

(C) The director may refuse to certify certifiable services 49649
and supports, refuse to renew certification, or revoke 49650
certification if any of the following apply to an applicant for 49651
certification or the holder of the certification: 49652

(1) The applicant or holder is not in compliance with rules 49653
adopted under this section. 49654

(2) The applicant or holder has been cited for a pattern of 49655
serious noncompliance or repeated violations of statutes or rules 49656
during the current certification period or any previous 49657
certification period. 49658

(3) The applicant or holder submits false or misleading 49659
information as part of a certification application, renewal, or 49660
investigation. 49661

(D) Proceedings initiated to deny applications to certify 49662
certifiable services and supports, to refuse to renew 49663
certification, or to revoke certification are governed by Chapter 49664
119. of the Revised Code. If an order has been issued suspending 49665
admissions to a community addiction services provider that 49666
provides overnight accommodations, as provided in division (H) of 49667
this section, the order remains in effect during the pendency of 49668
those proceedings. 49669

(E) If the director determines that a community mental health 49670
services provider applicant's or a community addiction services 49671
provider applicant's certifiable services and supports do not 49672
satisfy the standards for certification, ~~the director shall~~ 49673
~~identify the areas of noncompliance, specify what action is~~ 49674
~~necessary to satisfy the standards, and may offer technical~~ 49675

~~assistance to the applicant and to a board of alcohol, drug 49676
addiction, and mental health services so that the board may assist 49677
the applicant in satisfying the standards. The director shall give 49678
the applicant a reasonable time within which to demonstrate that 49679
its certifiable services and supports satisfy the standards or to 49680
bring them into compliance with the standards. If the director 49681
concludes that the certifiable services and supports continue to 49682
fail to satisfy the standards, the director may request that the 49683
appropriate board of alcohol, drug addiction, and mental health 49684
services reallocate any funds for the certifiable services and 49685
supports the applicant was to provide to another community mental 49686
health services provider or community addiction services provider 49687
whose certifiable services and supports satisfy the standards. If 49688
the board does not reallocate such funds in a reasonable period of 49689
time, the director may withhold state and federal funds for the 49690
certifiable services and supports and allocate those funds 49691
directly to a community mental health services provider or 49692
community addiction services provider whose certifiable services 49693
and supports satisfy the standards. 49694~~

~~(D)(F)~~ Each community mental health services provider 49695
applicant or community addiction services provider applicant 49696
seeking certification of its certifiable services and supports 49697
under this section shall pay a fee for the certification required 49698
by this section, unless the applicant is exempt under rules 49699
adopted under this section. Fees shall be paid into the state 49700
treasury to the credit of the sale of goods and services fund 49701
created pursuant to section 5119.45 of the Revised Code. 49702

~~(E)(G)~~ The director shall adopt rules in accordance with 49703
Chapter 119. of the Revised Code to implement this section. The 49704
rules shall do all of the following: 49705

(1) Subject to section 340.034 of the Revised Code, specify 49706
the types of recovery supports that are required to be certified 49707

under this section; 49708

(2) Establish certification standards for certifiable 49709
services and supports that are consistent with nationally 49710
recognized applicable standards and facilitate participation in 49711
federal assistance programs. The rules shall include as 49712
certification standards only requirements that improve the quality 49713
of certifiable services and supports or the health and safety of 49714
persons receiving certifiable services and supports. The standards 49715
shall address at a minimum all of the following: 49716

(a) Reporting major unusual incidents to the director; 49717

(b) Procedures for applicants for and persons receiving 49718
certifiable services and supports to file grievances and 49719
complaints; 49720

(c) Seclusion; 49721

(d) Restraint; 49722

(e) Requirements regarding the physical facilities in which 49723
certifiable services and supports are provided; 49724

(f) Requirements with regard to health, safety, adequacy, and 49725
cultural specificity and sensitivity; 49726

(g) Standards for evaluating certifiable services and 49727
supports; 49728

(h) Standards and procedures for granting full, probationary, 49729
and interim certification of the certifiable services and supports 49730
of a community mental health services provider applicant or 49731
community addiction services provider applicant; 49732

(i) Standards and procedures for revoking the certification 49733
of a community mental health services provider's or community 49734
addiction services provider's certifiable services and supports 49735
that do not continue to meet the minimum standards established 49736
pursuant to this section; 49737

(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	49738 49739 49740
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	49741 49742 49743
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	49744 49745
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	49746 49747
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	49748 49749 49750 49751
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	49752 49753 49754 49755 49756
(3) Establish the process for certification of certifiable services and supports;	49757 49758
(4) Set the amount of certification review fees;	49759
(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds.	49760 49761
(F) <u>(H)</u> <u>(1)</u> The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following:	49762 49763 49764 49765
(1) <u>(a)</u> The provider's certifiable services and supports are not in compliance with rules adopted under this section;	49766 49767

~~(2)(b)~~ The provider has been cited for more than one 49768
violation of statutes or rules during any previous certification 49769
period of the provider. 49770

(2)(a) Except as provided in division (H)(2)(b) of this 49771
section, proceedings initiated to suspend admissions to a 49772
community addiction services provider that provides overnight 49773
accommodations are governed by Chapter 119. of the Revised Code. 49774

(b) If a suspension of admissions is proposed because the 49775
director has determined that the provider has demonstrated a 49776
pattern of serious noncompliance or that a violation creates a 49777
substantial risk to the health and safety of patients, the 49778
director may issue an order suspending admissions before providing 49779
an opportunity for an adjudication under Chapter 119. of the 49780
Revised Code. The director shall lift the order for the suspension 49781
of admissions if the director determines that the violation that 49782
formed the basis for the order has been corrected. 49783

(3) Appeals from proceedings initiated to order the 49784
suspension of admissions shall be conducted in accordance with 49785
Chapter 119. of the Revised Code, unless the order was issued 49786
before providing an opportunity for an adjudication, in which case 49787
all of the following apply: 49788

(a) The provider may request a hearing not later than ten 49789
days after receiving the notice specified in section 119.07 of the 49790
Revised Code. 49791

(b) If a timely request for a hearing that includes the 49792
provider's current address is made, the hearing shall commence not 49793
later than thirty days after the department receives the request. 49794

(c) After commencing, the hearing shall continue 49795
uninterrupted, except for Saturdays, Sundays, and legal holidays, 49796
unless other interruptions are agreed to by the provider and the 49797
director. 49798

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following: 49799
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(i) The close of the hearing; 49803

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript; 49804
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(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs. 49806
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(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the provider, or the provider's attorney, if applicable, not later than five days after the report is filed with the department. 49808
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(f) Not later than five days after receiving the report and recommendations, the provider may file objections with the department. 49812
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(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations. 49815
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(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected. 49819
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~~(G)~~(I)(1) In a proceeding initiated to suspend admissions to a community addiction services provider that provides overnight accommodations, to deny an application for certification of certifiable services and supports, to refuse to renew certification, or to revoke certification, the department may order the suspension, denial, refusal, or revocation regardless of 49823
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whether some or all of the deficiencies that prompted the 49829
proceedings have been corrected at the time of the hearing. 49830

(2) When the department issues an order suspending admissions 49831
to a community addiction services provider that provides overnight 49832
accommodations, denies an application for certification of 49833
certifiable services and supports, refuses to renew certification, 49834
or revokes a certification, the department shall not grant an 49835
opportunity for submitting a plan of correction. 49836

(J) The department of mental health and addiction services 49837
shall maintain a current list of community addiction services 49838
providers and shall provide a copy of the list to a judge of a 49839
court of common pleas who requests a copy for the use of the judge 49840
under division (H) of section 2925.03 of the Revised Code. The 49841
list shall identify each provider by its name, its address, and 49842
the county in which it is located. 49843

~~(H)~~(K) No person shall represent in any manner that a 49844
community mental health services provider's or community addiction 49845
services provider's certifiable services and supports are 49846
certified by the director if the certifiable services and supports 49847
are not so certified at the time the representation is made. 49848

Sec. 5119.37. (A)(1)(a) Except as provided in division 49849
(A)(1)(b) of this section, no person or government entity shall 49850
operate an opioid treatment program requiring certification, as 49851
certification is defined in 42 C.F.R. 8.2, unless the person or 49852
government entity is a community addiction services provider and 49853
the program is licensed under this section. 49854

(b) Division (A)(1)(a) of this section does not apply to a 49855
program operated by the United States department of veterans 49856
affairs. 49857

(2) No community addiction services provider licensed under 49858

this section shall operate an opioid treatment program in a manner 49859
inconsistent with this section and the rules adopted under it. 49860

(B) A community addiction services provider seeking a license 49861
to operate an opioid treatment program shall apply to the 49862
department of mental health and addiction services. The department 49863
shall review all applications received. 49864

(C) The department may issue a license to operate an opioid 49865
treatment program to a community addiction services provider only 49866
if all of the following apply: 49867

(1) During the three-year period immediately preceding the 49868
date of application, the provider or any owner, sponsor, medical 49869
director, administrator, or principal of the provider has been in 49870
good standing to operate an opioid treatment program in all other 49871
locations where the provider or such other person has been 49872
operating a similar program, as evidenced by both of the 49873
following: 49874

(a) Not having been denied a license, certificate, or similar 49875
approval to operate an opioid treatment program by this state or 49876
another jurisdiction; 49877

(b) Not having been the subject of any of the following in 49878
this state or another jurisdiction: 49879

(i) An action that resulted in the suspension or revocation 49880
of the license, certificate, or similar approval of the provider 49881
or other person; 49882

(ii) A voluntary relinquishment, withdrawal, or other action 49883
taken by the provider or other person to avoid suspension or 49884
revocation of the license, certificate, or similar approval; 49885

(iii) A disciplinary action that was based, in whole or in 49886
part, on the provider or other person engaging in the 49887
inappropriate prescribing, dispensing, administering, personally 49888

furnishing, diverting, storing, supplying, compounding, or selling 49889
of a controlled substance or other dangerous drug. 49890

(2) It affirmatively appears to the department that the 49891
provider is adequately staffed and equipped to operate an opioid 49892
treatment program. 49893

(3) It affirmatively appears to the department that the 49894
provider will operate an opioid treatment program in strict 49895
compliance with all laws relating to drug abuse and the rules 49896
adopted by the department. 49897

(4) Except as provided in division (D) of this section and 49898
section 5119.371 of the Revised Code, if the provider is seeking 49899
an initial license for a particular location, the proposed opioid 49900
treatment program is not located on a parcel of real estate that 49901
is within a radius of five hundred linear feet of the boundaries 49902
of a parcel of real estate having situated on it a public or 49903
private school, child day-care center licensed under Chapter 5104. 49904
of the Revised Code, or child-serving agency regulated by the 49905
department under this chapter. 49906

(5) The provider meets any additional requirements 49907
established by the department in rules adopted under division (F) 49908
of this section. 49909

(D) The department may waive the requirement of division 49910
(C)(4) of this section if it receives, from each public or private 49911
school, child day-care center, or child-serving agency that is 49912
within the five hundred linear feet radius described in that 49913
division, a letter of support for the location. The department 49914
shall determine whether a letter of support is satisfactory for 49915
purposes of waiving the requirement. 49916

(E) A license to operate an opioid treatment program shall 49917
expire ~~one year~~ two years from the date of issuance. Licenses may 49918
be renewed. 49919

(F) The department shall establish procedures and adopt rules 49920
for licensing, inspection, and supervision of community addiction 49921
services providers that operate an opioid treatment program. The 49922
rules shall establish standards for the control, storage, 49923
furnishing, use, dispensing, and administering of medications used 49924
in medication-assisted treatment; prescribe minimum standards for 49925
the operation of the opioid treatment program component of the 49926
provider's operations; and comply with federal laws and 49927
regulations. 49928

All rules adopted under this division shall be adopted in 49929
accordance with Chapter 119. of the Revised Code. All actions 49930
taken by the department regarding the licensing of providers to 49931
operate opioid treatment programs shall be conducted in accordance 49932
with Chapter 119. of the Revised Code, except as provided in 49933
division (L) of this section. 49934

(G)(1) The department shall inspect all community addiction 49935
services providers licensed to operate an opioid treatment 49936
program. Inspections shall be conducted at least ~~annually~~ 49937
biennially and may be conducted more frequently. 49938

In addition, the department may inspect any provider or other 49939
person that it reasonably believes to be operating an opioid 49940
treatment program without a license issued under this section. 49941

(2) When conducting an inspection, the department may do both 49942
of the following: 49943

(a) Examine and copy all records, accounts, and other 49944
documents relating to the provider's or other person's operations, 49945
including records pertaining to patients or clients; 49946

(b) Conduct interviews with any individual employed by or 49947
contracted or otherwise associated with the provider or person, 49948
including an administrator, staff person, patient, or client. 49949

(3) No person or government entity shall interfere with a 49950

state or local government official acting on behalf of the 49951
department while conducting an inspection. 49952

(H) A community addiction services provider shall not 49953
administer or dispense methadone in a tablet, powder, or 49954
intravenous form. Methadone shall be administered or dispensed 49955
only in a liquid form intended for ingestion. 49956

A community addiction services provider shall not administer 49957
or dispense a medication used in medication-assisted treatment for 49958
pain or other medical reasons. 49959

~~(I) As used in this division, "program sponsor" means a 49960
person who assumes responsibility for the operation and employees 49961
of the opioid treatment program component of a community addiction 49962
services provider's operations. 49963~~

A (1)(a) Except as provided in division (I)(1)(b) of this 49964
section, a community addiction services provider shall not employ 49965
an individual who receives a medication used in 49966
medication-assisted treatment from that provider. A 49967

(b) A community addiction services provider may employ an 49968
individual who receives a medication used in medication-assisted 49969
treatment from that provider if the individual is employed as a 49970
peer recovery supporter and either holds a valid peer recovery 49971
supporter certificate issued pursuant to rules adopted by the 49972
department or is in the process of obtaining such a certificate. 49973

(2)(a) As used in division (I)(2)(b) of this section, 49974
"program sponsor" means a person who assumes responsibility for 49975
the operation and employees of the opioid treatment program 49976
component of a community addiction services provider's operations. 49977

(b) A community addiction services provider shall not permit 49978
an individual to act as a program sponsor, medical director, or 49979
director of the provider if the individual is receiving ~~that~~ a 49980
medication used in medication-assisted treatment from any 49981

community addiction services provider. 49982

(J) The department may issue orders to ensure compliance with 49983
all laws relating to drug abuse and the rules adopted under this 49984
section. Subject to section 5119.27 of the Revised Code, the 49985
department may hold hearings, require the production of relevant 49986
matter, compel testimony, issue subpoenas, and make adjudications. 49987
Upon failure of a person without lawful excuse to obey a subpoena 49988
or to produce relevant matter, the department may apply to a court 49989
of common pleas for an order compelling compliance. 49990

(K) The department may refuse to issue, or may withdraw or 49991
revoke, a license to operate an opioid treatment program. A 49992
license may be refused if a community addiction services provider 49993
does not meet the requirements of division (C) of this section. A 49994
license may be withdrawn at any time the department determines 49995
that the provider no longer meets the requirements for receiving 49996
the license. A license may be revoked in accordance with division 49997
(L) of this section. 49998

Once a license is issued under this section, the department 49999
shall not consider the requirement of division (C)(4) of this 50000
section in determining whether to renew, withdraw, or revoke the 50001
license or whether to reissue the license as a result of a change 50002
in ownership. 50003

(L) If the department finds reasonable cause to believe that 50004
a community addiction services provider licensed under this 50005
section is in violation of any state or federal law or rule 50006
relating to drug abuse, the department may issue an order 50007
immediately revoking the license, subject to division (M) of this 50008
section. The department shall set a date not more than fifteen 50009
days later than the date of the order of revocation for a hearing 50010
on the continuation or cancellation of the revocation. For good 50011
cause, the department may continue the hearing on application of 50012
any interested party. In conducting hearings, the department has 50013

all the authority and power set forth in division (J) of this 50014
section. Following the hearing, the department shall either 50015
confirm or cancel the revocation. The hearing shall be conducted 50016
in accordance with Chapter 119. of the Revised Code, except that 50017
the provider shall not be permitted to operate an opioid treatment 50018
program pending the hearing or pending any appeal from an 50019
adjudication made as a result of the hearing. Notwithstanding any 50020
provision of Chapter 119. of the Revised Code to the contrary, a 50021
court shall not stay or suspend any order of revocation issued by 50022
the department under this division pending judicial appeal. 50023

(M) The department shall not revoke a license to operate an 50024
opioid treatment program unless all clients receiving medication 50025
used in medication-assisted treatment from the community addiction 50026
services provider are provided adequate substitute medication or 50027
treatment. For purposes of this division, the department may 50028
transfer the clients to other providers licensed to operate opioid 50029
treatment programs or replace any or all of the administrators and 50030
staff of the provider with representatives of the department who 50031
shall continue on a provisional basis the opioid treatment 50032
component of the provider's operations. 50033

(N) Each time the department receives an application from a 50034
community addiction services provider for a license to operate an 50035
opioid treatment program, issues or refuses to issue a license, or 50036
withdraws or revokes a license, the department shall notify the 50037
board of alcohol, drug addiction, and mental health services of 50038
each alcohol, drug addiction, and mental health service district 50039
in which the provider operates. 50040

(O) Whenever it appears to the department from files, upon 50041
complaint, or otherwise, that a community addiction services 50042
provider has engaged in any practice declared to be illegal or 50043
prohibited by section 3719.61 of the Revised Code, or any other 50044
state or federal laws or regulations relating to drug abuse, or 50045

when the department believes it to be in the best interest of the public and necessary for the protection of the citizens of the state, the department may request criminal proceedings by laying before the prosecuting attorney of the proper county any evidence of criminality which may come to its knowledge.

(P) The department shall maintain a current list of community addiction services providers licensed by the department under this section and shall provide a copy of the current list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list of licensed community addiction services providers shall identify each licensed provider by its name, its address, and the county in which it is located.

Sec. 5119.43. (A) The director of mental health and addiction services may enter into agreements with any person, political subdivision, or state agency for the sale or lease of land or facilities under the jurisdiction of the director of mental health and addiction services in the following manner:

(1) The director of mental health and addiction services shall designate lands and facilities that are not needed by the department of mental health and addiction services and are under the jurisdiction of the department.

(2) The director of mental health and addiction services shall have a preliminary appraisal made of any lands or facilities designated under division (A)(1) of this section by a disinterested professional appraiser from the department of administrative services. The appraiser shall deliver to the director of mental health and addiction services a signed certificate of the probable market value of the lands and facilities as determined from the preliminary appraisal.

(3) The director of mental health and addiction services

shall certify to the clerk of the house of representatives and to 50077
the clerk of the senate a list of all lands and facilities which 50078
may be sold or leased, and shall include with the list the results 50079
of the preliminary appraisals of the lands and facilities, a 50080
general description of the land and facilities, and a description 50081
of the current use of the land and facilities. 50082

(4) Every list of lands and facilities certified by the 50083
director of mental health and addiction services to the clerk of 50084
the house of representatives and to the clerk of the senate under 50085
division (A)(3) of this section, shall immediately be transmitted 50086
by the respective clerks to the committees in the house and the 50087
senate to which land conveyance bills are usually referred. If 50088
either committee files in its clerk's office, within sixty 50089
calendar days of the original certification of the lands and 50090
facilities by the director of mental health and addiction 50091
services, a report disapproving the sale or lease of any lands or 50092
facilities, the sale or lease of the lands or facilities 50093
disapproved in the report shall not be made under this section. 50094
With respect to a sale or lease of lands and facilities that has 50095
not been disapproved under this division, the director of mental 50096
health and addiction services shall certify those lands and 50097
facilities to the ~~auditor of state~~ director of administrative 50098
services. 50099

(5) After certification to the ~~auditor of state~~ director of 50100
administrative services under division (A)(4) of this section, the 50101
director of mental health and addiction services shall have a 50102
formal appraisal made of the lands and facilities by a 50103
disinterested professional appraiser from the department of 50104
administrative services. The director of mental health and 50105
addiction services may accept the formal appraisal or may reject 50106
it and order a new formal appraisal by a disinterested 50107
professional appraiser who shall not be from the department of 50108

administrative services. The director of mental health and 50109
addiction services may then sell or lease the lands or facilities 50110
in accordance with this division and department of administrative 50111
services procedures as set forth in Chapter 123. of the Revised 50112
Code. Any such deed or lease shall be prepared and recorded 50113
pursuant to section 5301.13 of the Revised Code. The department of 50114
administrative services shall be the sole agent for the state and 50115
shall complete the sale or lease of the lands or facilities, up to 50116
and including the closing thereof, after the director of mental 50117
health and addiction services approves the sale price. The 50118
director of mental health and addiction services and the director 50119
of administrative services may, if it is determined to be in the 50120
best interests of the state, agree to sell surplus land for an 50121
amount less than the formal appraised value but shall not sell any 50122
land for less than two-thirds of the formal appraised value. 50123

(B) Coincident with the certification made under division 50124
(A)(3) of this section concerning lands which may be sold, the 50125
director of mental health and addiction services shall give 50126
written notice of ~~the director's~~ intention to sell the lands by 50127
certified mail to the executive officer of each county, township, 50128
municipal corporation, and school district within which the lands 50129
are situated. In each notice, the director of mental health and 50130
addiction services shall specify the conditions under which the 50131
lands shall be sold, including whether the lands will be sold as a 50132
single unit or sold in specific parcels that the director 50133
designates, and shall solicit from the subdivision offers to 50134
purchase the lands in accordance with the conditions the director 50135
of mental health and addiction services has specified and at a 50136
price equal to the preliminary appraised value determined pursuant 50137
to division (A)(2) of this section. If, within thirty days of 50138
having certified the lands to the ~~auditor of state~~ director of 50139
administrative services under division (A)(4) of this section, the 50140
director of mental health and addiction services receives from the 50141

executive officer of a subdivision a written offer to purchase the 50142
lands at or above the price specified in the ~~director's~~ original 50143
notice from the director of mental health and addiction services 50144
to the officer, provided such offer otherwise complies with the 50145
conditions of purchase specified in the ~~director's~~ original notice 50146
from the director of mental health and addiction services, the 50147
director of mental health and addiction services shall forthwith 50148
enter into an agreement to sell the lands to the subdivision. The 50149
agreement shall incorporate any and all terms that are acceptable 50150
to both parties and that are consistent with the terms specified 50151
in the ~~director's~~ original notice from the director of mental 50152
health and addiction services. If no offer to purchase is received 50153
by the director of mental health and addiction services within the 50154
thirty-day period provided in this division, the ~~director's~~ 50155
original notice from the director of mental health and addiction 50156
services shall be considered withdrawn and the director of mental 50157
health and addiction services shall be under no obligation to sell 50158
any of the lands specified in the notice to the subdivision. If 50159
two or more offers to purchase the same parcels of land are 50160
received by the director of mental health and addiction services 50161
within the required time period from the executive officers of two 50162
or more subdivisions, the director of mental health and addiction 50163
services shall accept the offer or offers to purchase that the 50164
director considers to be in the best interests of the state and of 50165
the department of mental health and addiction services and shall 50166
proceed to enter into agreements of sale pursuant to this 50167
division. If all of the ~~director's~~ original notices from the 50168
director of mental health and addiction services relating to a 50169
given parcel of land become withdrawn, the director of mental 50170
health and addiction services may thereupon proceed to sell the 50171
parcel as otherwise provided in this section. No subdivision may 50172
commence an action to enforce the provisions of this division, or 50173
to seek any other legal or equitable remedy relative to this 50174

division, with respect to any lands certified to the ~~auditor of~~ 50175
state director of administrative services under division (A)(4) of 50176
this section, except within sixty days of the date on which the 50177
lands were so certified. 50178

(C) Any agreement under this section shall be at such terms 50179
as will be in the best interests of the state and the department 50180
of mental health and addiction services. However, the terms of any 50181
agreement for sale shall include a provision that the purchaser 50182
will abide by any comprehensive plan for the area that has been 50183
adopted by the local government in which the property is located 50184
before the parties enter into the agreement. No lease shall be of 50185
a duration greater than fifteen years. No agreement, except an 50186
agreement entered into under division (B) of this section, shall 50187
be entered into before the proposal to sell or lease the land or 50188
facilities has been advertised once each week for four weeks in a 50189
newspaper of general circulation in every county in which the 50190
lands or facilities are located and if the preliminary appraised 50191
value of the land to be sold or leased is more than one hundred 50192
thousand dollars, advertisement shall be made once each week for 50193
four weeks in at least two newspapers in the state having a daily 50194
circulation of one hundred thousand or more. If a city in this 50195
state is served by more than one newspaper having a circulation of 50196
one hundred thousand or more, advertisement may be made in only 50197
one of the newspapers serving the city. 50198

(D) Each deed or lease prepared and recorded pursuant to this 50199
section shall contain a recital stating that all provisions of 50200
this section have been complied with. The recital shall be 50201
considered binding and conclusive against all subdivisions of the 50202
state provided no action has been commenced pursuant to division 50203
(B) of this section. Any deed or lease containing such a recital 50204
shall be conclusively presumed to have been executed in compliance 50205
with this section insofar as title or other interest of any bona 50206

fide purchasers, lessees, or transferees of the property is 50207
concerned. 50208

(E) Nothing in this section shall be construed as 50209
establishing a precedent for the disposal of state lands and 50210
facilities by other departments of the state. 50211

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 50212
Revised Code is guilty of a misdemeanor of the first degree. 50213

(B) Whoever violates division (B) of section 5119.61 of the 50214
Revised Code is guilty of a misdemeanor of the fourth degree. 50215

(C) Whoever violates section 5119.27 or 5119.28, division (A) 50216
of section 5119.35, division ~~(H)~~(K) of section 5119.36, or 50217
division (A)(1) or (2) of section 5119.37 of the Revised Code is 50218
guilty of a felony of the fifth degree. 50219

Sec. 5120.035. (A) As used in this section: 50220

(1) "Community treatment provider" means a program that 50221
provides substance use disorder assessment and treatment for 50222
persons and that satisfies all of the following: 50223

(a) It is located outside of a state correctional 50224
institution. 50225

(b) It shall provide the assessment and treatment for 50226
qualified prisoners referred and transferred to it under this 50227
section in a suitable facility that is licensed pursuant to 50228
division (C) of section 2967.14 of the Revised Code. 50229

(c) All qualified prisoners referred and transferred to it 50230
under this section shall reside initially in the suitable facility 50231
specified in division (A)(1)(b) of this section while undergoing 50232
the assessment and treatment. 50233

(2) "Electronic monitoring device" has the same meaning as in 50234
section 2929.01 of the Revised Code. 50235

(3) "State correctional institution" has the same meaning as 50236
in section 2967.01 of the Revised Code. 50237

(4) "Qualified prisoner" means a person who satisfies all of 50238
the following: 50239

(a) The person is confined in a state correctional 50240
institution under a prison term imposed for a felony of the third, 50241
fourth, or fifth degree that is not an offense of violence. 50242

~~(b) The person has not previously been convicted of or 50243
pleaded guilty to a felony offense of violence and, within the 50244
preceding five years, has not been convicted of or pleaded guilty 50245
to a misdemeanor offense of violence. 50246~~

~~(c) The department of rehabilitation and correction 50247
determines, using a standardized assessment tool, that the person 50248
has a substance use disorder. 50249~~

~~(d)~~(c) The person has not more than twelve months remaining 50250
to be served under the prison term described in division (A)(4)(a) 50251
of this section. 50252

~~(e)~~(d) The person is not serving any prison term other than 50253
the term described in division (A)(4)(a) of this section. 50254

~~(f)~~(e) The person is eighteen years of age or older. 50255

~~(g)~~(f) The person does not show signs of drug or alcohol 50256
withdrawal and does not require medical detoxification. 50257

~~(h)~~(g) As determined by the department of rehabilitation and 50258
correction, the person is physically and mentally capable of 50259
uninterrupted participation in the substance use disorder 50260
treatment program established under division (B) of this section. 50261

(B) The department of rehabilitation and correction shall 50262
establish and operate a program for community-based substance use 50263
disorder treatment for qualified prisoners. The purpose of the 50264
program shall be to provide substance use disorder assessment and 50265

treatment through community treatment providers to help reduce 50266
substance use relapses and recidivism for qualified prisoners 50267
while preparing them for reentry into the community and improving 50268
public safety. 50269

(C)(1) The department shall determine which qualified 50270
prisoners in its custody should be placed in the substance use 50271
disorder treatment program established under division (B) of this 50272
section. The department has full discretion in making that 50273
determination. If the department determines that a qualified 50274
prisoner should be placed in the program, the department may refer 50275
the prisoner to a community treatment provider the department has 50276
approved under division (E) of this section for participation in 50277
the program and transfer the prisoner from the state correctional 50278
institution to the provider's approved and licensed facility. 50279
Except as otherwise provided in division (C)(3) of this section, 50280
no prisoner shall be placed under the program in any facility 50281
other than a facility of a community treatment provider that has 50282
been so approved. If the department places a prisoner in the 50283
program, the prisoner shall receive credit against the prisoner's 50284
prison term for all time served in the provider's approved and 50285
licensed facility and may earn days of credit under section 50286
2967.193 of the Revised Code, but otherwise neither the placement 50287
nor the prisoner's participation in or completion of the program 50288
shall result in any reduction of the prisoner's prison term. 50289

(2) If the department places a prisoner in the substance use 50290
disorder treatment program, the prisoner does not satisfactorily 50291
participate in the program, and the prisoner has not served the 50292
prisoner's entire prison term, the department may remove the 50293
prisoner from the program and return the prisoner to a state 50294
correctional institution. 50295

(3) If the department places a prisoner in the substance use 50296
disorder treatment program and the prisoner is satisfactorily 50297

participating in the program, the department may permit the 50298
prisoner to reside at a residence approved by the department if 50299
the department determines, with input from the community treatment 50300
provider, that residing at the approved residence will help the 50301
prisoner prepare for reentry into the community and will help 50302
reduce substance use relapses and recidivism for the prisoner. If 50303
a prisoner is permitted under this division to reside at a 50304
residence approved by the department, the prisoner shall be 50305
monitored during the period of that residence by an electronic 50306
monitoring device. 50307

(D)(1) When a prisoner has been placed in the substance use 50308
disorder treatment program established under division (B) of this 50309
section, before the prisoner is released from custody of the 50310
department upon completion of the prisoner's prison term, the 50311
department shall conduct and prepare an evaluation of the 50312
prisoner, the prisoner's participation in the program, and the 50313
prisoner's needs regarding substance use disorder treatment upon 50314
release. Before the prisoner is released from custody of the 50315
department upon completion of the prisoner's prison term, the 50316
parole board or the court acting pursuant to an agreement under 50317
section 2967.29 of the Revised Code shall consider the evaluation, 50318
in addition to all other information and materials considered, as 50319
follows: 50320

(a) If the prisoner is a prisoner for whom post-release 50321
control is mandatory under section 2967.28 of the Revised Code, 50322
the board or court shall consider it in determining which 50323
post-release control sanction or sanctions to impose upon the 50324
prisoner under that section. 50325

(b) If the prisoner is a prisoner for whom post-release 50326
control is not mandatory under section 2967.28 of the Revised 50327
Code, the board or court shall consider it in determining whether 50328
a post-release control sanction is necessary and, if so, which 50329

post-release control sanction or sanctions to impose upon the 50330
prisoner under that section. 50331

(2) If the department determines that a prisoner it placed in 50332
the substance use disorder treatment program successfully 50333
completed the program and successfully completed a term of 50334
post-release control, if applicable, and if the prisoner submits 50335
an application under section 2953.32 of the Revised Code for 50336
sealing the record of the conviction, the director may issue a 50337
letter to the court in support of the application. 50338

(E)(1) The department shall accept applications from 50339
community treatment providers that satisfy the requirement 50340
specified in division (E)(2) of this section and that wish to 50341
participate in the substance use disorder treatment program 50342
established under division (B) of this section, and shall approve 50343
for participation in the program at least four and not more than 50344
eight of the providers that apply. To the extent feasible, the 50345
department shall approve one or more providers from each 50346
geographical quadrant of the state. 50347

(2) Each community treatment provider that applies under 50348
division (E)(1) of this section to participate in the program 50349
shall have the provider's alcohol and drug addiction services that 50350
provide substance use disorder treatment certified by the 50351
department of mental health and addiction services under section 50352
5119.36 of the Revised Code. A community treatment provider is not 50353
required to have the provider's halfway house or residential 50354
treatment certified by the department of mental health and 50355
addiction services. 50356

(F) The department of rehabilitation and correction shall 50357
adopt rules for the operation of the substance use disorder 50358
treatment program it establishes under division (B) of this 50359
section and shall operate the program in accordance with this 50360
section and those rules. The rules shall establish, at a minimum, 50361

all of the following: 50362

(1) Criteria that establish which qualified prisoners are 50363
eligible for the program; 50364

(2) Criteria that must be satisfied to transfer a qualified 50365
prisoner to a residence pursuant to division (C)(3) of this 50366
section; 50367

(3) Criteria for the removal of a prisoner from the program 50368
pursuant to division (C)(2) of this section; 50369

(4) Criteria for determining when an offender has 50370
successfully completed the program for purposes of division (D)(2) 50371
of this section; 50372

(5) Criteria for community treatment providers to provide 50373
assessment and treatment, including minimum standards for 50374
treatment. 50375

Sec. 5120.62. The director ~~or~~ of rehabilitation and 50376
correction shall adopt rules under Chapter 119. of the Revised 50377
Code that govern the establishment and operation of a system that 50378
provides limited and monitored access to the internet for 50379
prisoners ~~who are participating in an approved educational program~~ 50380
~~with direct supervision that requires the use of the internet for~~ 50381
~~training or research purposes~~ solely for a use or purpose approved 50382
by the managing officer of that prisoner's institution or by the 50383
managing officer's designee. The rules shall include all of the 50384
following: 50385

(A) Criteria by which inmates may be screened and approved 50386
for access or training involving the internet; 50387

(B) Designation of the authority to approve internet sites 50388
for authorized use; 50389

(C) A requirement that only pre-approved sites will be 50390
accessible ~~on the computers used by prisoners in the educational~~ 50391

program; 50392

(D) A process for the periodic review of the operation of the 50393
system, including users of the system and the sites accessed by 50394
the system; 50395

(E) Sanctions that must be imposed against prisoners and 50396
staff members who violate department rules governing prisoner 50397
access to the internet. 50398

Sec. 5123.025. It is hereby declared to be the policy of this 50399
state that individuals with developmental disabilities shall have 50400
access to innovative technology solutions. Technology can ensure 50401
that people with developmental disabilities have increased 50402
opportunities to live, work, and thrive in their homes, 50403
communities, and places of employment through state of the art 50404
planning, innovative technology, and supports that focus on their 50405
talents, interests, and skills. 50406

The departments of developmental disabilities, education, 50407
medicaid, aging, job and family services, mental health and 50408
addiction services, and transportation; the opportunities for 50409
Ohioans with disabilities agency; and each other state agency that 50410
provides technology services to individuals with developmental 50411
disabilities shall implement the policy of this state and ensure 50412
that it is followed whenever technology services are provided to 50413
individuals with developmental disabilities. 50414

The department of developmental disabilities, in partnership 50415
with the office of innovateohio, shall coordinate the actions 50416
taken by state agencies to comply with the state's policy. 50417
Agencies shall collaborate within their divisions and with each 50418
other to ensure that state programs, policies, procedures, and 50419
funding support the development of access to technology for 50420
individuals with developmental disabilities. State agencies shall 50421
share information with the department, and the department shall 50422

track progress toward full implementation of the policy. The 50423
department, in coordination with the technology first task force 50424
established under section 5123.026 of Revised Code, shall compile 50425
data and annually submit to the governor and lieutenant governor a 50426
report on implementation of the policy. 50427

The department and state agencies may adopt rules to 50428
implement the state's policy. 50429

Sec. 5123.026. (A) The director of developmental disabilities 50430
shall establish a technology first task force consisting of 50431
representatives from the office of innovateohio; the departments 50432
of developmental disabilities, education, medicaid, aging, job and 50433
family services, mental health and addiction services, and 50434
transportation; and the opportunities for Ohioans with 50435
disabilities agency. 50436

(B) The task force shall do all of the following: 50437

(1) Expand innovative technology solutions within the 50438
operation and delivery of services to individuals with 50439
developmental disabilities; 50440

(2) Use technology to reduce the barriers individuals with 50441
developmental disabilities experience; 50442

(3) Align policies for all state agencies on the task force. 50443

(C) The department of developmental disabilities may enter 50444
into interagency agreements with any of the government entities on 50445
the task force. The interagency agreements may specify either or 50446
both of the following: 50447

(1) The roles and responsibilities of the government entities 50448
that are members of the task force, including any money to be 50449
contributed by those entities; 50450

(2) The projects and activities of the task force. 50451

(D) The department and state agencies may adopt rules to 50452
implement the task force. 50453

Sec. 5123.034. (A) As used in this section, "developmental 50454
center" has the same meaning as in section 5123.032 of the Revised 50455
Code. 50456

(B) A developmental center of the department of developmental 50457
disabilities may provide services to both of the following: 50458

(1) Individuals with developmental disabilities who reside in 50459
the community in which the developmental center is located; 50460

(2) Providers who provide services to individuals with 50461
developmental disabilities who reside in the community in which 50462
the developmental center is located. 50463

(C) The department may develop a method for recovering the 50464
costs associated with providing these services. 50465

Sec. 5123.35. (A) There is hereby created the Ohio 50466
developmental disabilities council, which shall serve as an 50467
advocate for all persons with developmental disabilities. The 50468
council shall act in accordance with the "Developmental 50469
Disabilities Assistance and Bill of Rights Act of 2000," ~~98 Stat.~~ 50470
~~2662 (1984)~~, 42 U.S.C. ~~6001~~, ~~as amended~~ 15001. The governor shall 50471
appoint the members of the council in accordance with 42 U.S.C. 50472
~~6024~~ 15025. 50473

(B) The council shall develop the state plan required by 50474
federal law as a condition of receiving federal assistance under 50475
42 U.S.C. ~~6021 to 6030~~ 15021 to 15029. The department of 50476
developmental disabilities, as the state agency selected by the 50477
governor for purposes of receiving the federal assistance, shall 50478
receive, account for, and disburse funds based on the state plan 50479
and shall provide assurances and other administrative support 50480
services required as a condition of receiving the federal 50481

assistance. 50482

(C) The federal funds may be disbursed through grants to or 50483
contracts with persons and government agencies for the provision 50484
of necessary or useful goods and services for persons with 50485
developmental disabilities. The council may award the grants or 50486
enter into the contracts. 50487

(D) The council may award grants to or enter into contracts 50488
with a member of the council or an entity that the member 50489
represents if all of the following apply: 50490

(1) The member serves on the council as a representative of 50491
one of the principal state agencies concerned with services for 50492
persons with developmental disabilities as specified in 42 U.S.C. 50493
~~6024(b)(3)~~ 15025(b)(4), a representative of a university 50494
affiliated program as defined in 42 U.S.C. ~~6001(18)~~ 15002(5), or a 50495
representative of the Ohio protection and advocacy system, as 50496
defined in section 5123.60 of the Revised Code. 50497

(2) The council determines that the member or the entity the 50498
member represents is capable of providing the goods or services 50499
specified under the terms of the grant or contract. 50500

(3) The member has not taken part in any discussion or vote 50501
of the council related to awarding the grant or entering into the 50502
contract, including service as a member of a review panel 50503
established by the council to award grants or enter into contracts 50504
or to make recommendations with regard to awarding grants or 50505
entering into contracts. 50506

(E) A member of the council is not in violation of Chapter 50507
102. or section 2921.42 of the Revised Code with regard to 50508
receiving a grant or entering into a contract under this section 50509
if the requirements of division (D) of this section have been met. 50510

(F)(1) Notwithstanding division (C) of section 121.22 of the 50511
Revised Code, the requirement for a member's presence in person at 50512

a meeting in order to be part of a quorum or to vote does not 50513
apply if the council holds a meeting by interactive video 50514
conference and all of the following apply: 50515

(a) A primary meeting location that is open and accessible to 50516
the public is established for the meeting of the council; 50517

(b) A clear video and audio connection is established that 50518
enables all meeting participants at the primary meeting location 50519
to witness the participation of each member; 50520

(c) A roll call vote is recorded for each vote taken; 50521

(d) The minutes of the council identify which members 50522
participated by interactive video conference. 50523

(2) Notwithstanding division (C) of section 121.22 of the 50524
Revised Code, the requirement for a member's presence in person at 50525
a meeting in order to be part of a quorum or to vote does not 50526
apply if the council holds a meeting by teleconference and all of 50527
the following apply: 50528

(a) The council has determined its membership does not have 50529
access to and the council cannot provide access to the equipment 50530
needed to conduct interactive video conferencing; 50531

(b) A primary meeting location that is open and accessible to 50532
the public is established for the meeting of the council; 50533

(c) A clear audio connection is established that enables all 50534
meeting participants at the primary meeting location to hear the 50535
participation of each member; 50536

(d) A roll call vote is recorded for each vote taken; 50537

(e) The minutes of the council identify which members 50538
participated by teleconference. 50539

(3) The council shall adopt any rules the council considers 50540
necessary to implement this section. The rules shall be adopted in 50541
accordance with Chapter 119. of the Revised Code. At a minimum, 50542

the rules shall do all of the following: 50543

(a) Authorize council members to remotely attend a council 50544
meeting by interactive video conference or teleconference in lieu 50545
of attending the meeting in person; 50546

(b) Establish a minimum number of members required to be 50547
physically present in person at the primary meeting location if 50548
the council conducts a meeting by interactive video conference or 50549
teleconference; 50550

(c) Establish geographic restrictions for participation in 50551
meetings by interactive video conference or teleconference; 50552

(d) Establish a policy for distributing and circulating 50553
necessary documents to council members, the public, and the media 50554
in advance of a meeting at which members are permitted to attend 50555
by interactive video conference or teleconference; 50556

(e) Establish a method for verifying the identity of a member 50557
who remotely attends a meeting by teleconference. 50558

Sec. 5123.89. (A) As used in this section: 50559

(1) "Family" means a parent, brother, sister, spouse, son, 50560
daughter, grandparent, aunt, uncle, or cousin. 50561

(2) "Payment" means activities undertaken by a service 50562
provider or government entity to obtain or provide reimbursement 50563
for services provided to a person. 50564

(3) "Treatment" means the provision of services to a person, 50565
including the coordination or management of services provided to 50566
the person. 50567

(B) All certificates, applications, records, and reports made 50568
for the purpose of this chapter, other than court journal entries 50569
or court docket entries, that directly or indirectly identify a 50570
resident or former resident of an institution for persons with 50571

intellectual disabilities or person whose institutionalization has 50572
been sought under this chapter shall be kept confidential and 50573
shall not be disclosed by any person except in the following 50574
situations: 50575

(1) It is the judgment of the court for judicial records, and 50576
the managing officer for institution records, that disclosure is 50577
in the best interest of the person identified, and that person or 50578
that person's guardian or, if that person is a minor, that 50579
person's parent or guardian consents. 50580

(2) Disclosure is provided for in other sections of this 50581
chapter. 50582

(3) Disclosure is of a record deposited with the Ohio history 50583
connection pursuant to division (C) of section 5123.31 of the 50584
Revised Code and the disclosure is made to the closest living 50585
relative of the person identified, on the relative's request. 50586

(4) Disclosure is needed for the treatment of a person who is 50587
a resident or former resident of an institution for persons with 50588
intellectual disabilities or a person whose institutionalization 50589
has been sought under this chapter or is needed for the payment of 50590
services provided to the person. 50591

(5) Disclosure is needed for a guardianship proceeding under 50592
Chapter 2111. of the Revised Code. 50593

(C) The department of developmental disabilities shall adopt 50594
rules with respect to the systematic and periodic destruction of 50595
residents' records. 50596

(D) Upon the death of a resident or former resident of an 50597
institution for persons with intellectual disabilities or a person 50598
whose institutionalization was sought under this chapter, the 50599
managing officer of an institution shall provide access to the 50600
certificates, applications, records, and reports made for the 50601
purposes of this chapter to the resident's, former resident's, or 50602

person's guardian if the guardian makes a written request. If a 50603
deceased resident, former resident, or person whose 50604
institutionalization was sought under this chapter did not have a 50605
guardian at the time of death, the managing officer shall provide 50606
access to the certificates, applications, records, and reports 50607
made for purposes of this chapter to a member of the person's 50608
family, upon that family member's written request. 50609

(E) No person shall reveal the contents of a record of a 50610
resident except as authorized by this chapter. 50611

Sec. 5124.01. As used in this chapter: 50612

(A) "Addition" means an increase in an ICF/IID's square 50613
footage. 50614

(B) "Affiliated operator" means an operator affiliated with 50615
either of the following: 50616

(1) The exiting operator for whom the affiliated operator is 50617
to assume liability for the entire amount of the exiting 50618
operator's debt under the medicaid program or the portion of the 50619
debt that represents the franchise permit fee the exiting operator 50620
owes; 50621

(2) The entering operator involved in the change of operator 50622
with the exiting operator specified in division (B)(1) of this 50623
section. 50624

(C) "Allowable costs" means an ICF/IID's costs that the 50625
department of developmental disabilities determines are 50626
reasonable. Fines paid under section 5124.99 of the Revised Code 50627
are not allowable costs. 50628

(D) "Capital costs" means an ICF/IID's costs of ownership and 50629
costs of nonextensive renovation. 50630

(E) "Case-mix score" means the measure determined under 50631
section 5124.192, or 5124.193, ~~or 5124.197~~ of the Revised Code of 50632

the relative direct-care resources needed to provide care and 50633
habilitation to an ICF/IID resident. 50634

(F) "Change of operator" means an entering operator becoming 50635
the operator of an ICF/IID in the place of the exiting operator. 50636

(1) Actions that constitute a change of operator include the 50637
following: 50638

(a) A change in an exiting operator's form of legal 50639
organization, including the formation of a partnership or 50640
corporation from a sole proprietorship; 50641

(b) A transfer of all the exiting operator's ownership 50642
interest in the operation of the ICF/IID to the entering operator, 50643
regardless of whether ownership of any or all of the real property 50644
or personal property associated with the ICF/IID is also 50645
transferred; 50646

(c) A lease of the ICF/IID to the entering operator or the 50647
exiting operator's termination of the exiting operator's lease; 50648

(d) If the exiting operator is a partnership, dissolution of 50649
the partnership; 50650

(e) If the exiting operator is a partnership, a change in 50651
composition of the partnership unless both of the following apply: 50652

(i) The change in composition does not cause the 50653
partnership's dissolution under state law. 50654

(ii) The partners agree that the change in composition does 50655
not constitute a change in operator. 50656

(f) If the operator is a corporation, dissolution of the 50657
corporation, a merger of the corporation into another corporation 50658
that is the survivor of the merger, or a consolidation of one or 50659
more other corporations to form a new corporation. 50660

(2) The following, alone, do not constitute a change of 50661
operator: 50662

(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily operating and management decisions;	50663 50664 50665
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/IID if an entering operator does not become the operator in place of an exiting operator;	50666 50667 50668 50669
(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.	50670 50671 50672 50673
(G) "Cost center" means the following:	50674
(1) Capital costs;	50675
(2) Direct care costs;	50676
(3) Indirect care costs;	50677
(4) Other protected costs.	50678
(H)(1) Except as provided in division (H)(2) of this section, "cost report year" means the calendar year immediately preceding the calendar year in which a fiscal year for which a medicaid payment rate determination is made begins.	50679 50680 50681 50682
(2) When a cost report the department of developmental disabilities accepts under division (A) or (C)(1)(b) of section 5124.101 of the Revised Code is used in determining an ICF/IID's medicaid payment rate, "cost report year" means the period that the cost report covers.	50683 50684 50685 50686 50687
(I) "Costs of nonextensive renovations" means the following:	50688
(1) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, the actual expense incurred by the <u>an</u> ICF/IID for depreciation or amortization and interest on renovations approved	50689 50690 50691 50692

by the department of developmental disabilities as nonextensive
renovations; 50693
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~~(2) For the purpose of determining an ICF/IID's per medicaid
day payment rate for reasonable capital costs under section
5124.171 of the Revised Code, the actual expense incurred by the
ICF/IID for depreciation or amortization and interest on
renovations that are not extensive renovations.~~ 50695
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(J)(1) "Costs of ownership" means the actual expenses 50700
incurred by an ICF/IID for all of the following: 50701

(a) Subject to division (J)(2) of this section, depreciation 50702
and interest on any capital assets that cost five hundred dollars 50703
or more per item, including the following: 50704

(i) Buildings; 50705

(ii) Building improvements that are not approved as 50706
nonextensive renovations for the purpose of section 5124.17 ~~or~~ 50707
~~5124.171~~ of the Revised Code; 50708

(iii) Equipment; 50709

(iv) Transportation equipment; 50710

~~(v) For the purpose of determining an ICF/IID's per medicaid
day payment rate for reasonable capital costs under section
5124.171 of the Revised Code, extensive renovations.~~ 50711
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(b) Amortization and interest on land improvements and 50714
leasehold improvements; 50715

(c) Amortization of financing costs; 50716

(d) Except as provided in division ~~(BB)~~(AA) of this section, 50717
lease and rent of land, building, and equipment. 50718

(2) The costs of capital assets of less than five hundred 50719
dollars per item may be considered costs of ownership in 50720
accordance with an ICF/IID provider's practice. 50721

(K)(1) "Date of licensure" means the following: 50722

(a) In the case of an ICF/IID that was originally licensed as 50723
a nursing home under Chapter 3721. of the Revised Code, the date 50724
that it was originally so licensed, regardless that it was 50725
subsequently licensed as a residential facility under section 50726
5123.19 of the Revised Code; 50727

(b) In the case of an ICF/IID that was originally licensed as 50728
a residential facility under section 5123.19 of the Revised Code, 50729
the date it was originally so licensed; 50730

(c) In the case of an ICF/IID that was not required by law to 50731
be licensed as a nursing home or residential facility when it was 50732
originally operated as a residential facility, the date it first 50733
was operated as a residential facility, regardless of the date the 50734
ICF/IID was first licensed as a nursing home or residential 50735
facility. 50736

(2) If, after an ICF/IID's original date of licensure, more 50737
residential facility beds are added to the ICF/IID or all or part 50738
of the ICF/IID undergoes an extensive renovation, the ICF/IID has 50739
a different date of licensure for the additional beds or 50740
extensively renovated portion of the ICF/IID. This does not apply, 50741
however, to additional beds when both of the following apply: 50742

(a) The additional beds are located in a part of the ICF/IID 50743
that was constructed at the same time as the continuing beds 50744
already located in that part of the ICF/IID. 50745

(b) The part of the ICF/IID in which the additional beds are 50746
located was constructed as part of the ICF/IID at a time when the 50747
ICF/IID was not required by law to be licensed as a nursing home 50748
or residential facility. 50749

(3) The definition of "date of licensure" in this section 50750
applies in determinations of ICFs/IID's medicaid payment rates but 50751
does not apply in determinations of ICFs/IID's franchise permit 50752

fees under sections 5168.60 to 5168.71 of the Revised Code. 50753

(L) "Desk-reviewed" means that an ICF/IID's costs as reported 50754
on a cost report filed under section 5124.10 or 5124.101 of the 50755
Revised Code have been subjected to a desk review under section 50756
5124.108 of the Revised Code and preliminarily determined to be 50757
allowable costs. 50758

(M) "Developmental center" means a residential facility that 50759
is maintained and operated by the department of developmental 50760
disabilities. 50761

(N) "Direct care costs" means all of the following costs 50762
incurred by an ICF/IID: 50763

(1) Costs for registered nurses, licensed practical nurses, 50764
and nurse aides employed by the ICF/IID; 50765

(2) Costs for direct care staff, administrative nursing 50766
staff, medical directors, respiratory therapists, physical 50767
therapists, physical therapy assistants, occupational therapists, 50768
occupational therapy assistants, speech therapists, audiologists, 50769
habilitation staff (including habilitation supervisors), qualified 50770
intellectual disability professionals, program directors, social 50771
services staff, activities staff, psychologists, psychology 50772
assistants, social workers, counselors, and other persons holding 50773
degrees qualifying them to provide therapy; 50774

(3) Costs of purchased nursing services; 50775

(4) Costs of training and staff development, employee 50776
benefits, payroll taxes, and workers' compensation premiums or 50777
costs for self-insurance claims and related costs as specified in 50778
rules adopted under section 5124.03 of the Revised Code, for 50779
personnel listed in divisions (N)(1), (2), and (3) of this 50780
section; 50781

(5) Costs of quality assurance; 50782

(6) Costs of consulting and management fees related to direct care;	50783 50784
(7) Allocated direct care home office costs;	50785
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	50786 50787 50788 50789
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	50790 50791
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID provider.	50792 50793 50794
(9) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5124.03 of the Revised Code.	50795 50796 50797
(O) "Downsized ICF/IID" means an ICF/IID that permanently reduced its medicaid-certified capacity pursuant to a plan approved by the department of developmental disabilities under section 5123.042 of the Revised Code.	50798 50799 50800 50801
(P) "Effective date of a change of operator" means the day the entering operator becomes the operator of the ICF/IID.	50802 50803
(Q) "Effective date of a facility closure" means the last day that the last of the residents of the ICF/IID resides in the ICF/IID.	50804 50805 50806
(R) "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the ICF/IID or the last day that such a provider agreement is in effect when the department cancels or refuses to revalidate it.	50807 50808 50809 50810 50811
(S) "Effective date of a voluntary termination" means the day	50812

the ICF/IID ceases to accept medicaid recipients. 50813

(T) "Entering operator" means the person or government entity 50814
that will become the operator of an ICF/IID when a change of 50815
operator occurs or following an involuntary termination. 50816

(U) "Exiting operator" means any of the following: 50817

(1) An operator that will cease to be the operator of an 50818
ICF/IID on the effective date of a change of operator; 50819

(2) An operator that will cease to be the operator of an 50820
ICF/IID on the effective date of a facility closure; 50821

(3) An operator of an ICF/IID that is undergoing or has 50822
undergone a voluntary termination; 50823

(4) An operator of an ICF/IID that is undergoing or has 50824
undergone an involuntary termination. 50825

(V)(1) ~~For the purpose of determining an ICF/IID's per 50826
medicaid day payment rate for reasonable capital costs under 50827
section 5124.171 of the Revised Code, "extensive renovation" means 50828
the following: 50829~~

~~(a) An ICF/IID's betterment, improvement, or restoration to 50830
which both of the following apply: 50831~~

~~(i) It was started before July 1, 1993. 50832~~

~~(ii) It meets the definition of "extensive renovation" 50833
established in rules that were adopted by the director of job and 50834
family services and in effect on December 22, 1992. 50835~~

~~(b) An ICF/IID's betterment, improvement, or restoration to 50836
which all of the following apply: 50837~~

~~(i) It was started on or after July 1, 1993. 50838~~

~~(ii) Except as provided in division (V)(2) of this section, 50839
it costs more than sixty five per cent and not more than 50840
eighty five per cent of the cost of constructing a new bed. 50841~~

~~(iii) It extends the useful life of the assets for at least ten years.~~ 50842
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~~(2) The department of developmental disabilities may treat a renovation that costs more than eighty five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds.~~ 50844
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~~(3) For the purpose of division (V)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics.~~ 50849
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~~(W)(1) Subject to divisions (W)(2) (V)(2) and (3) of this section, "facility closure" means either of the following:~~ 50857
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents; 50859
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(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use. 50862
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(2) A facility closure occurs regardless of any of the following: 50867
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(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID; 50869
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(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID; 50872
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(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID; 50874
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(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code. 50878
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(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs. 50881
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~~(X)~~(W) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code. 50885
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~~(Y)~~(X) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code. 50887
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~~(Z)~~(Y) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 50889
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~~(AA)~~(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 440.150. 50891
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~~(BB)~~(1)(AA)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/IID other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home 50893
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office costs not otherwise allocated, legal services, accounting 50902
services, minor equipment, maintenance and repair expenses, 50903
help-wanted advertising, informational advertising, start-up 50904
costs, organizational expenses, other interest, property 50905
insurance, employee training and staff development, employee 50906
benefits, payroll taxes, and workers' compensation premiums or 50907
costs for self-insurance claims and related costs, as specified in 50908
rules adopted under section 5124.03 of the Revised Code, for 50909
personnel listed in this division. Notwithstanding division (J) of 50910
this section, "indirect care costs" also means the cost of 50911
equipment, including vehicles, acquired by operating lease 50912
executed before December 1, 1992, if the costs are reported as 50913
administrative and general costs on the ICF/IID's cost report for 50914
the cost reporting period ending December 31, 1992. 50915

(2) For the purpose of division ~~(BB)~~~~(1)~~(AA)(1) of this 50916
section, an operating lease shall be construed in accordance with 50917
generally accepted accounting principles. 50918

~~(CC)~~(BB) "Inpatient days" means both of the following: 50919

(1) All days during which a resident, regardless of payment 50920
source, occupies a bed in an ICF/IID that is included in the 50921
ICF/IID's medicaid-certified capacity; 50922

(2) All days for which payment is made under section 5124.34 50923
of the Revised Code. 50924

~~(DD)~~(CC) "Intermediate care facility for individuals with 50925
intellectual disabilities" and "ICF/IID" mean an intermediate care 50926
facility for the mentally retarded as defined in the "Social 50927
Security Act," section 1905(d), 42 U.S.C. 1396d(d). 50928

~~(EE)~~(DD) "Involuntary termination" means the department of 50929
medicaid's termination of, cancellation of, or refusal to 50930
revalidate the operator's provider agreement for the ICF/IID when 50931
such action is not taken at the operator's request. 50932

~~(FF)~~(EE) "Maintenance and repair expenses" means, ~~except as~~ 50933
~~provided in division (XX)(2)(b) of this section,~~ expenditures that 50934
are necessary and proper to maintain an asset in a normally 50935
efficient working condition and that do not extend the useful life 50936
of the asset two years or more. "Maintenance and repair expenses" 50937
includes the costs of ordinary repairs such as painting and 50938
wallpapering. 50939

~~(GG)~~(FF) "Medicaid-certified capacity" means the number of an 50940
ICF/IID's beds that are certified for participation in medicaid as 50941
ICF/IID beds. 50942

~~(HH)~~(GG) "Medicaid days" means both of the following: 50943

(1) All days during which a resident who is a medicaid 50944
recipient eligible for ICF/IID services occupies a bed in an 50945
ICF/IID that is included in the ICF/IID's medicaid-certified 50946
capacity; 50947

(2) All days for which payment is made under section 5124.34 50948
of the Revised Code. 50949

~~(II)(1)~~(HH)(1) "New ICF/IID" means an ICF/IID for which the 50950
provider obtains an initial provider agreement following the 50951
director of health's medicaid certification of the ICF/IID, 50952
including such an ICF/IID that replaces one or more ICFs/IID for 50953
which a provider previously held a provider agreement. 50954

(2) "New ICF/IID" does not mean either of the following: 50955

(a) An ICF/IID for which the entering operator seeks a 50956
provider agreement pursuant to section 5124.511 or 5124.512 or 50957
(pursuant to section 5124.515) section 5124.07 of the Revised 50958
Code; 50959

(b) A downsized ICF/IID or partially converted ICF/IID. 50960

~~(JJ)~~(II) "Nursing home" has the same meaning as in section 50961
3721.01 of the Revised Code. 50962

~~(KK)~~(JJ) "Operator" means the person or government entity 50963
responsible for the daily operating and management decisions for 50964
an ICF/IID. 50965

~~(LL)~~(KK) "Other protected costs" means costs incurred by an 50966
ICF/IID for medical supplies; real estate, franchise, and property 50967
taxes; natural gas, fuel oil, water, electricity, sewage, and 50968
refuse and hazardous medical waste collection; allocated other 50969
protected home office costs; and any additional costs defined as 50970
other protected costs in rules adopted under section 5124.03 of 50971
the Revised Code. 50972

~~(MM)~~(1)(LL)(1) "Owner" means any person or government entity 50973
that has at least five per cent ownership or interest, either 50974
directly, indirectly, or in any combination, in any of the 50975
following regarding an ICF/IID: 50976

(a) The land on which the ICF/IID is located; 50977

(b) The structure in which the ICF/IID is located; 50978

(c) Any mortgage, contract for deed, or other obligation 50979
secured in whole or in part by the land or structure on or in 50980
which the ICF/IID is located; 50981

(d) Any lease or sublease of the land or structure on or in 50982
which the ICF/IID is located. 50983

(2) "Owner" does not mean a holder of a debenture or bond 50984
related to an ICF/IID and purchased at public issue or a regulated 50985
lender that has made a loan related to the ICF/IID unless the 50986
holder or lender operates the ICF/IID directly or through a 50987
subsidiary. 50988

~~(NN)~~(MM) "Partially converted ICF/IID" means an ICF/IID that 50989
converted some, but not all, of its beds to providing home and 50990
community-based services under the individual options waiver 50991
pursuant to section 5124.60 or 5124.61 of the Revised Code. 50992

~~(OO)(1)(NN)~~ For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division ~~(B)(A)~~ of section 5124.15 of the Revised Code and the initial total per medicaid day payment rate determined for a new ICF/IID under section 5124.151 of the Revised Code: 50993

~~(a)(1)~~ "Peer group ~~1-A1~~" means each ICF/IID with a medicaid-certified capacity exceeding sixteen. 50994
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~~(b)(2)~~ "Peer group ~~2-A2~~" means each ICF/IID with a medicaid-certified capacity exceeding eight but not exceeding sixteen. 50998
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~~(c)(3)~~ "Peer group ~~3-A3~~" means each ICF/IID with a medicaid-certified capacity of seven or eight. 51000
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~~(d)(4)~~ "Peer group ~~4-A4~~" means each ICF/IID with a medicaid-certified capacity not exceeding six, other than an ICF/IID that is in peer group 5-A. 51003
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~~(e)(5)~~ "Peer group ~~5-A5~~" means each ICF/IID to which all of the following apply: 51005
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51007

~~(i)(a)~~ The ICF/IID is first certified as an ICF/IID after July 1, 2014. 51008
51009

~~(ii)(b)~~ The ICF/IID has a medicaid-certified capacity not exceeding six. 51010
51011

~~(iii)(c)~~ The ICF/IID has a contract with the department of developmental disabilities that is for fifteen years and includes a provision for the department to approve all admissions to, and discharges from, the ICF/IID. 51012
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51014
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~~(iv)(d)~~ The ICF/IID's residents are admitted to the ICF/IID directly from a developmental center or have been determined by the department to be at risk of admission to a developmental center. 51018
51019
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51021

~~(2) For the purpose of the total per medicaid day payment~~ 51022

~~rate determined for an ICF/IID under division (C) of section 51023
5124.15 of the Revised Code:~~ 51024

~~(a) "Peer group 1 B" means each ICF/IID with a
medicaid certified capacity exceeding eight.~~ 51025
51026

~~(b) "Peer group 2 B" means each ICF/IID with a
medicaid certified capacity not exceeding eight, other than an
ICF/IID that is in peer group 3.~~ 51027
51028
51029

~~(c) "Peer group 3 B" means each ICF/IID to which all of the
following apply:~~ 51030
51031

~~(i) The ICF/IID is first certified as an ICF/IID after July
1, 2014;~~ 51032
51033

~~(ii) The ICF/IID has a medicaid certified capacity not
exceeding six;~~ 51034
51035

~~(iii) The ICF/IID has a contract with the department of
developmental disabilities that is for fifteen years and includes
a provision for the department to approve all admissions to, and
discharges from, the ICF/IID;~~ 51036
51037
51038
51039

~~(iv) The ICF/IID's residents are admitted to the ICF/IID
directly from a developmental center or have been determined by
the department to be at risk of admission to a developmental
center.~~ 51040
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~~(PP)(1)(OO)(1) Except as provided in divisions (PP)(2) and
(3) division (OO)(2) of this section, "per diem" means an
ICF/IID's desk-reviewed, actual, allowable costs in a given cost
center in a cost reporting period, divided by the facility's
inpatient days for that cost reporting period.~~ 51044
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~~(2) When determining capital costs for the purpose of section
5124.171 of the Revised Code, "per diem" means an ICF/IID's
actual, allowable capital costs in a cost reporting period divided
by the greater of the facility's inpatient days for that period or~~ 51049
51050
51051
51052

~~the number of inpatient days the ICF/IID would have had during~~ 51053
~~that period if its occupancy rate had been ninety five per cent.~~ 51054

~~(3)~~ When determining indirect care costs for the purpose of 51055
section 5124.21 ~~or 5124.211~~ of the Revised Code, "per diem" means 51056
an ICF/IID's actual, allowable indirect care costs in a cost 51057
reporting period divided by the greater of the ICF/IID's inpatient 51058
days for that period or the number of inpatient days the ICF/IID 51059
would have had during that period if its occupancy rate had been 51060
eighty-five per cent. 51061

~~(QQ)~~(PP) "Provider" means an operator with a valid provider 51062
agreement. 51063

~~(RR)~~(QQ) "Provider agreement" means a provider agreement, as 51064
defined in section 5164.01 of the Revised Code, that is between 51065
the department of medicaid and the operator of an ICF/IID for the 51066
provision of ICF/IID services under the medicaid program. 51067

~~(SS)~~(RR) "Purchased nursing services" means services that are 51068
provided in an ICF/IID by registered nurses, licensed practical 51069
nurses, or nurse aides who are not employees of the ICF/IID. 51070

~~(TT)~~(SS) "Reasonable" means that a cost is an actual cost 51071
that is appropriate and helpful to develop and maintain the 51072
operation of resident care facilities and activities, including 51073
normal standby costs, and that does not exceed what a prudent 51074
buyer pays for a given item or services. Reasonable costs may vary 51075
from provider to provider and from time to time for the same 51076
provider. 51077

~~(UU)~~(TT) "Related party" means an individual or organization 51078
that, to a significant extent, has common ownership with, is 51079
associated or affiliated with, has control of, or is controlled 51080
by, a provider. 51081

(1) An individual who is a relative of an owner is a related 51082
party. 51083

(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property.

(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization.

(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met:

(a) The supplier is a separate bona fide organization.

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes.

(c) The types of goods or services are commonly obtained by other ICFs/IID from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/IID.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

~~(VV)~~(UU) "Relative of owner" means an individual who is related to an owner of an ICF/IID by one of the following relationships:

(1) Spouse;	51115
(2) Natural parent, child, or sibling;	51116
(3) Adopted parent, child, or sibling;	51117
(4) Stepparent, stepchild, stepbrother, or stepsister;	51118
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	51119 51120
(6) Grandparent or grandchild;	51121
(7) Foster caregiver, foster child, foster brother, or foster sister.	51122 51123
(WW) (VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.	51124 51125 51126 51127 51128
(XX)(1) For the purpose of determining an ICF/IID's per medicaid day payment rate for reasonable capital costs under section 5124.171 of the Revised Code, "renovation" means the following:	51129 51130 51131 51132
(a) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	51133 51134
(i) It was started before July 1, 1993.	51135
(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992.	51136 51137 51138
(b) An ICF/IID's betterment, improvement, or restoration to which both of the following apply:	51139 51140
(i) It was started on or after July 1, 1993.	51141
(ii) It betters, improves, or restores the ICF/IID beyond its current functional capacity through a structural change that costs	51142 51143

~~at least five hundred dollars per bed.~~ 51144

~~(2) For the purpose of division (XX)(1) of this section, a renovation started on or after July 1, 1993, may include both of the following:~~ 51145
51146
51147

~~(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;~~ 51148
51149
51150

~~(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.~~ 51151
51152
51153

~~(3) For the purpose of division (XX)(1) of this section, "renovation" does not mean construction of additional space for beds that will be added to an ICF/IID's licensed capacity or medicaid certified capacity.~~ 51154
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~~(YY)(WW)~~ "Residential facility" has the same meaning as in section 5123.19 of the Revised Code. 51158
51159

~~(ZZ)(XX)~~ "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored. 51160
51161
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~~(AAA)(YY)~~ "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare. 51164
51165
51166

~~(BBB)(ZZ)~~ "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq. 51167
51168

~~(CCC)(AAA)~~ "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq. 51169
51170

~~(DDD)(BBB)~~ "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/IID in the medicaid program but to continue to provide service of the 51171
51172
51173

type provided by a residential facility as defined in section 51174
5123.19 of the Revised Code. 51175

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 51176
~~1-A1~~, peer group ~~2-A2~~, peer group ~~3-A3~~, or peer group ~~4-A~~, ~~peer~~ 51177
~~group 1-B~~, ~~or peer group 2-B~~ 4 that becomes a downsized ICF/IID or 51178
partially converted ICF/IID on or after July 1, 2013, or becomes a 51179
new ICF/IID on or after that date, may file with the department of 51180
developmental disabilities a cost report covering the period 51181
specified in division (B) of this section if the following applies 51182
to the ICF/IID: 51183

(1) In the case of an ICF/IID that becomes a downsized 51184
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 51185
the following on the day it becomes a downsized ICF/IID or 51186
partially converted ICF/IID: 51187

(a) A medicaid-certified capacity that is at least ten per 51188
cent less than its medicaid-certified capacity on the day 51189
immediately preceding the day it becomes a downsized ICF/IID or 51190
partially converted ICF/IID; 51191

(b) At least five fewer beds certified as ICF/IID beds than 51192
it has on the day immediately preceding the day it becomes a 51193
downsized ICF/IID or partially converted ICF/IID. 51194

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 51195
a downsized ICF/IID and the downsized ICF/IID has either of the 51196
following on the day it becomes a downsized ICF/IID: 51197

(a) A medicaid-certified capacity that is at least ten per 51198
cent less than its medicaid-certified capacity on the day 51199
immediately preceding the day it becomes a downsized ICF/IID; 51200

(b) At least five fewer beds certified as ICF/IID beds than 51201
it has on the day immediately preceding the day it becomes a 51202
downsized ICF/IID. 51203

(B) A cost report filed under division (A) of this section shall cover the period that begins and ends as follows:

(1) In the case of an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID:

(a) The period begins with the day that the ICF/IID becomes a downsized ICF/IID or partially converted ICF/IID.

(b) The period ends on the last day of the last month of the first three full months of operation as a downsized ICF/IID or partially converted ICF/IID.

(2) In the case of a new ICF/IID:

(a) The period begins with the day that the provider agreement for the ICF/IID takes effect.

(b) The period ends on the last day of the last month of the first three full months that the provider agreement is in effect.

(C)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID on or before the first day of October of a calendar year, the provider also shall do both of the following:

(a) File with the department a cost report for the ICF/IID in accordance with division (A) of section 5124.10 of the Revised Code;

(b) File with the department another cost report for the ICF/IID that covers the portion of the initial calendar year that the ICF/IID operated as a downsized ICF/IID or partially converted ICF/IID.

(2) If the department accepts a cost report filed under division (A) of this section for an ICF/IID that becomes a downsized ICF/IID or partially converted ICF/IID after the first day of October of a calendar year, the provider is not required to

file a cost report that covers that calendar year in accordance 51234
with division (A) of section 5124.10 of the Revised Code. Instead, 51235
the provider shall file a cost report for the ICF/IID in 51236
accordance with division (A) of section 5124.10 of the Revised 51237
Code covering the immediately following calendar year. 51238

(3) If the department accepts a cost report filed under 51239
division (A) of this section for a new ICF/IID that has a provider 51240
agreement that takes effect on or before the first day of October 51241
of a calendar year, the provider also shall file a cost report for 51242
the ICF/IID in accordance with division (A) of section 5124.10 of 51243
the Revised Code covering the portion of that calendar year that 51244
the provider agreement was in effect. 51245

(4) If the department accepts a cost report filed under 51246
division (A) of this section for a new ICF/IID that has a provider 51247
agreement that takes effect after the first day of October of a 51248
calendar year, the provider is not required to file a cost report 51249
that covers that calendar year in accordance with division (A) of 51250
section 5124.10 of the Revised Code. The provider shall file a 51251
cost report for the ICF/IID in accordance with division (A) of 51252
section 5124.10 of the Revised Code covering the immediately 51253
following calendar year. 51254

(D) The department shall refuse to accept a cost report filed 51255
under division (A) or (C)(1)(b) of this section if either of the 51256
following apply: 51257

(1) Except as provided in division (E) of section 5124.10 of 51258
the Revised Code, the provider fails to file the cost report with 51259
the department not later than ninety days after the last day of 51260
the period the cost report covers; 51261

(2) The cost report is incomplete or inadequate. 51262

(E) If the department accepts a cost report filed under 51263
division (A) or (C)(1)(b) of this section, the department shall 51264

use that cost report, rather than the cost report that otherwise 51265
would be used pursuant to section 5124.17, ~~5124.171~~, 5124.19, 51266
~~5124.195~~, 5124.21, ~~5124.211~~, or 5124.23, ~~or 5124.231~~ of the 51267
Revised Code, to determine the ICF/IID's medicaid payment rate in 51268
accordance with this chapter for ICF/IID services the ICF/IID 51269
provides during the period that begins and ends as follows: 51270

(1) For a cost report filed under division (A) of this 51271
section, the period begins on the following: 51272

(a) In the case of an ICF/IID that becomes a downsized 51273
ICF/IID or partially converted ICF/IID: 51274

(i) The day that the ICF/IID becomes a downsized ICF/IID or 51275
partially converted ICF/IID if that day is the first day of a 51276
month; 51277

(ii) The first day of the month immediately following the 51278
month that the ICF/IID becomes a downsized ICF/IID or partially 51279
converted ICF/IID if division (E)(1)(a)(i) of this section does 51280
not apply. 51281

(b) In the case of a new ICF/IID, the day that the ICF/IID's 51282
provider agreement takes effect. 51283

(2) For a cost report filed under division (A) of this 51284
section, the period ends on the following: 51285

(a) In the case of an ICF/IID that becomes a downsized 51286
ICF/IID or partially converted ICF/IID: 51287

(i) The last day of the fiscal year that immediately precedes 51288
the fiscal year for which the ICF/IID is paid a rate determined 51289
using a cost report filed under division (C)(1)(b) of this section 51290
if the ICF/IID became a downsized ICF/IID or partially converted 51291
ICF/IID on or before the first day of October of a calendar year; 51292

(ii) The last day of the fiscal year that immediately 51293
precedes the fiscal year for which the ICF/IID begins to be paid a 51294

rate determined using a cost report that division (C)(2) of this 51295
section requires be filed in accordance with division (A) of 51296
section 5124.10 of the Revised Code if the ICF/IID became a 51297
downsized ICF/IID or partially converted ICF/IID after the first 51298
day of October of a calendar year. 51299

(b) In the case of a new ICF/IID, the last day of the fiscal 51300
year that immediately precedes the fiscal year for which the 51301
ICF/IID begins to be paid a rate determined using a cost report 51302
that division (C)(3) or (4) of this section requires be filed in 51303
accordance with division (A) of section 5124.10 of the Revised 51304
Code. 51305

(3) For a cost report filed under division (C)(1)(b) of this 51306
section, the period begins on the day immediately following the 51307
day specified in division (E)(2)(a)(i) of this section. 51308

(4) For a cost report filed under division (C)(1)(b) of this 51309
section, the period ends on the last day of the fiscal year that 51310
immediately precedes the fiscal year for which the ICF/IID begins 51311
to be paid a rate determined using the cost report filed with the 51312
department in accordance with division (A) of section 5124.10 of 51313
the Revised Code that covers the calendar year that immediately 51314
follows the initial calendar year that the ICF/IID operated as a 51315
downsized ICF/IID or partially converted ICF/IID. 51316

~~(F) If the department accepts a cost report filed under 51317
division (A) or (C)(1)(b) of this section by the provider of a 51318
downsized ICF/IID or partially converted ICF/IID, the following 51319
modifications shall be made for the purpose of determining the 51320
medicaid payment rate for ICF/IID services the ICF/IID provides 51321
during the period specified in division (E) of this section:~~ 51322

~~(1) In place of the quarterly case_mix score otherwise used 51323
in determining the ICF/IID's per medicaid day direct care costs 51324
component rate under division (A) of section 5124.19 of the 51325~~

Revised Code, the ICF/IID's case_mix score in effect on the last 51326
day of the calendar quarter that ends during the period the cost 51327
report covers (or, if more than one calendar quarter ends during 51328
that period, the last of those calendar quarters) shall be used to 51329
determine the ICF/IID's per medicaid day direct care costs 51330
component rate if the department accepts a cost report filed under 51331
division (A) or (C)(1)(b) of this section by the provider of a 51332
downsized ICF/IID or partially converted ICF/IID. 51333

~~(2) In place of the annual average casemix score otherwise 51334
used in determining the ICF/IID's per medicaid day payment rate 51335
for direct care costs under division (A) of section 5124.195 of 51336
the Revised Code, the ICF/IID's casemix score in effect on the 51337
last day of the calendar quarter that ends during the period the 51338
cost report covers (or, if more than one calendar quarter ends 51339
during that period, the last of those calendar quarters) shall be 51340
used to determine the ICF/IID's per medicaid day payment rate for 51341
direct care costs.~~ 51342

~~(3) The ICF/IID shall not be subject to the limit on the 51343
costs of ownership per diem payment rate specified in divisions 51344
(B) and (C) of section 5124.171 of the Revised Code.~~ 51345

~~(4) The ICF/IID shall not be subject to the limit on the 51346
payment rate for per diem capitalized costs of nonextensive 51347
renovations specified in division (E)(1) of section 5124.171 of 51348
the Revised Code.~~ 51349

~~(5) The ICF/IID shall be subject to the limit on the total 51350
payment rate for costs of ownership, capitalized costs of 51351
nonextensive renovations, and the efficiency incentive specified 51352
in division (H) of section 5124.171 of the Revised Code regardless 51353
of whether the ICF/IID is in peer group 1-B or peer group 2-B.~~ 51354

Sec. 5124.15. (A) Except as otherwise provided by section 51355
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 51356

Revised Code, and divisions ~~(D)~~(B) and ~~(E)~~(C) of this section, the 51357
total per medicaid day payment rate that the department of 51358
developmental disabilities shall pay to an ICF/IID provider for 51359
ICF/IID services the provider's ICF/IID provides during a fiscal 51360
year shall equal the sum of all of the following: 51361

~~(1) Until July 1, 2021, the greater of the total per medicaid 51362
day payment rates determined under divisions (B) and (C) of this 51363
section;~~ 51364

~~(2) Beginning July 1, 2021, the total per medicaid day 51365
payment rate determined under division (B) of this section.~~ 51366

~~(B) The total per medicaid day payment rate determined under 51367
this division is the sum of all of the following:~~ 51368

~~(1) The per medicaid day capital component rate determined 51369
for the ICF/IID under section 5124.17 of the Revised Code;~~ 51370

(2) The per medicaid day direct care costs component rate 51371
determined for the ICF/IID under section 5124.19 of the Revised 51372
Code; 51373

(3) The per medicaid day indirect care costs component rate 51374
determined for the ICF/IID under section 5124.21 of the Revised 51375
Code; 51376

(4) The per medicaid day other protected costs component rate 51377
determined for the ICF/IID under section 5124.23 of the Revised 51378
Code; 51379

~~(5) Until July 1, 2021, a direct support personnel payment 51380
equal to three and four hundredths per cent of the ICF/IID's 51381
desk reviewed, actual, allowable, per medicaid day direct care 51382
costs from the applicable cost report year;~~ 51383

~~(6) Beginning July 1, 2021, the The sum of the following:~~ 51384

(a) The per medicaid day quality incentive payment determined 51385

for the ICF/IID under section 5124.24 of the Revised Code; 51386

(b) A direct support personnel payment equal to two and 51387
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 51388
allowable, per medicaid day direct care costs from the applicable 51389
cost report year. 51390

~~(C) The total per medicaid day payment rate determined under 51391
this division is the sum of all of the following: 51392~~

~~(1) The per medicaid day payment rate for capital costs 51393
determined for the ICF/IID under section 5124.171 of the Revised 51394
Code; 51395~~

~~(2) The per medicaid day payment rate for direct care costs 51396
determined for the ICF/IID under section 5124.195 of the Revised 51397
Code; 51398~~

~~(3) The per medicaid day payment rate for indirect care costs 51399
determined for the ICF/IID under section 5124.211 of the Revised 51400
Code; 51401~~

~~(4) The per medicaid day payment rate for other protected 51402
costs determined for the ICF/IID under section 5124.231 of the 51403
Revised Code; 51404~~

~~(5) A direct support personnel payment equal to three and 51405
four hundredths per cent of the ICF/IID's desk reviewed, actual, 51406
allowable, per medicaid day direct care costs from the applicable 51407
cost report year. 51408~~

~~(D)(B) The total per medicaid day payment rate for the 51409
following an ICF/IID that is in peer group 5 shall not exceed the 51410
average total per medicaid day payment rate in effect on July 1, 51411
2013, for developmental centers; 51412~~

~~(1) An ICF/IID that is in peer group 5 A for the purpose of 51413
the total per medicaid day payment rate determined under division 51414
(B) of this section; 51415~~

~~(2) An ICF/IID that is in peer group 3-B for the purpose of~~ 51416
~~the total per medicaid day payment rate determined under division~~ 51417
~~(C) of this section.~~ 51418

~~(E)(C)~~ The department shall adjust the total per medicaid day 51419
payment rate otherwise determined for an ICF/IID under ~~divisions~~ 51420
~~(B) and (C)~~ of this section as directed by the general assembly 51421
through the enactment of law governing medicaid payments to 51422
ICF/IID providers. 51423

~~(F)(1)(D)(1)~~ In addition to paying an ICF/IID provider the 51424
total per medicaid day payment rate determined for the provider's 51425
ICF/IID under divisions (A), (B), and (C), ~~(D)~~, and ~~(E)~~ of this 51426
section for a fiscal year, the department may do either or both of 51427
the following: 51428

(a) In accordance with section 5124.25 of the Revised Code, 51429
pay the provider a rate add-on for ventilator-dependent outlier 51430
ICF/IID services if the rate add-on is to be paid under that 51431
section and the department approves the provider's application for 51432
the rate add-on; 51433

(b) In accordance with section 5124.26 of the Revised Code, 51434
pay the provider for outlier ICF/IID services the ICF/IID provides 51435
to residents identified as needing intensive behavioral health 51436
support services if the rate add-on is to be paid under that 51437
section and the department approves the provider's application for 51438
the rate add-on. 51439

(2) The rate add-ons are not to be part of the ICF/IID's 51440
total per medicaid day payment rate. 51441

Sec. 5124.151. (A) The total per medicaid day payment rate 51442
determined under section 5124.15 of the Revised Code shall not be 51443
the initial rate for ICF/IID services provided by a new ICF/IID. 51444
Instead, the initial total per medicaid day payment rate for 51445

ICF/IID services provided by a new ICF/IID shall be determined in 51446
accordance with this section. 51447

(B) The initial total per medicaid day payment rate for 51448
ICF/IID services provided by a new ICF/IID, other than an ICF/IID 51449
in peer group ~~5-A5~~, shall be determined in the following manner: 51450

(1) The initial per medicaid day capital component rate shall 51451
be the median per medicaid day capital component rate for the 51452
ICF/IID's peer group for the fiscal year. 51453

(2) The initial per medicaid day direct care costs component 51454
rate shall be determined as follows: 51455

(a) If there are no cost or resident assessment data for the 51456
new ICF/IID as necessary to determine a rate under section 5124.19 51457
of the Revised Code, the rate shall be determined as follows: 51458

(i) Determine the median cost per case-mix unit under 51459
division (B) of section 5124.19 of the Revised Code for the new 51460
ICF/IID's peer group for the applicable cost report year; 51461

(ii) Multiply the amount determined under division 51462
(B)(2)(a)(i) of this section by the median annual average case-mix 51463
score for the new ICF/IID's peer group for that period; 51464

(iii) Adjust the product determined under division 51465
(B)(2)(a)(ii) of this section by the rate of inflation estimated 51466
under division (D) of section 5124.19 of the Revised Code. 51467

(b) If the new ICF/IID is a replacement ICF/IID and the 51468
ICF/IID or ICFs/IID that are being replaced are in operation 51469
immediately before the new ICF/IID opens, the rate shall be the 51470
same as the rate for the replaced ICF/IID or ICFs/IID, 51471
proportionate to the number of ICF/IID beds in each replaced 51472
ICF/IID. 51473

(c) If the new ICF/IID is a replacement ICF/IID and the 51474
ICF/IID or ICFs/IID that are being replaced are not in operation 51475

immediately before the new ICF/IID opens, the rate shall be 51476
determined under division (B)(2)(a) of this section. 51477

(3) The initial per medicaid day indirect care costs 51478
component rate shall be the maximum rate for the new ICF/IID's 51479
peer group as determined for the fiscal year in accordance with 51480
division (C) of section 5124.21 of the Revised Code. 51481

(4) The initial per medicaid day other protected costs 51482
component rate shall be one hundred fifteen per cent of the median 51483
rate for ICFs/IID determined for the fiscal year under section 51484
5124.23 of the Revised Code. 51485

(C) The initial total medicaid day payment rate for ICF/IID 51486
services provided by a new ICF/IID in peer group ~~5-A5~~ shall be 51487
determined in the following manner: 51488

(1) The initial per medicaid day capital component rate shall 51489
be \$29.61. 51490

(2) The initial per medicaid day direct care costs component 51491
rate shall be \$264.89. 51492

(3) The initial per medicaid day indirect care costs 51493
component rate shall be \$59.85. 51494

(4) The initial per medicaid day other protected costs 51495
component rate shall be \$25.99. 51496

(D)(1) Except as provided in division (D)(2) of this section, 51497
the department of developmental disabilities shall adjust a new 51498
ICF/IID's initial total per medicaid day payment rate determined 51499
under this section effective the first day of July, to reflect new 51500
rate determinations for all ICFs/IID under this chapter. 51501

(2) If the department accepts, under division (A) of section 51502
5124.101 of the Revised Code, a cost report filed by the provider 51503
of a new ICF/IID, the department shall adjust the ICF/IID's 51504
initial total per medicaid day payment rate in accordance with 51505

divisions (E) and (F) of that section rather than division (D)(1) 51506
of this section. 51507

Sec. 5124.152. (A) The total per medicaid day payment rate 51508
determined under section 5124.15 of the Revised Code shall not be 51509
paid for ICF/IID services provided by an ICF/IID, or discrete unit 51510
of an ICF/IID, designated by the department of developmental 51511
disabilities as an outlier ICF/IID or unit. Instead, the provider 51512
of a designated outlier ICF/IID or unit shall be paid each fiscal 51513
year a total per medicaid day payment rate that the department 51514
shall prospectively determine in accordance with a methodology 51515
established in rules authorized by this section. 51516

(B) The department may designate an ICF/IID, or discrete unit 51517
of an ICF/IID, as an outlier ICF/IID or unit if the ICF/IID or 51518
unit serves residents who have either of the following: 51519

(1) Diagnoses or special care needs that require direct care 51520
resources that are not measured adequately by the resident 51521
assessment instrument specified in rules authorized by ~~sections~~ 51522
section 5124.191 and ~~5124.196~~ of the Revised Code; 51523

(2) Diagnoses or special care needs that are specified in 51524
rules authorized by this section as otherwise qualifying for 51525
consideration under this section. 51526

(C) Notwithstanding any other provision of this chapter, the 51527
costs incurred by a designated outlier ICF/IID or unit shall not 51528
be considered in establishing medicaid payment rates for other 51529
ICFs/IID or units. 51530

(D) The director of developmental disabilities shall adopt 51531
rules under section 5124.03 of the Revised Code as necessary to 51532
implement this section. 51533

(1)(a) The rules shall do both of the following: 51534

(i) Specify the criteria and procedures the department will 51535

apply when designating an ICF/IID, or discrete unit of an ICF/IID, 51536
as an outlier ICF/IID or unit; 51537

(ii) Establish a methodology for prospectively determining 51538
the total per medicaid day payment rate that will be paid each 51539
fiscal year for ICF/IID services provided by a designated outlier 51540
ICF/IID or unit. 51541

(b) The rules adopted under division (D)(1)(a)(i) of this 51542
section regarding the criteria for designating outlier ICFs/IID 51543
and units shall do both of the following: 51544

(i) Provide for consideration of whether all of the allowable 51545
costs of an ICF/IID, or discrete unit of an ICF/IID, would be paid 51546
by the rate determined under section 5124.15 of the Revised Code; 51547

(ii) Specify the minimum number of ICF/IID beds that an 51548
ICF/IID, or discrete unit of an ICF/IID, must have to be 51549
designated an outlier ICF/IID or unit. 51550

(c) The rules authorized by division (D)(1)(a)(i) of this 51551
section regarding the criteria for designating outlier ICFs/IID 51552
and units shall not limit the designation to ICFs/IID, or discrete 51553
units of ICFs/IID, located in large cities. 51554

(d) The rules authorized by division (D)(1)(a)(ii) of this 51555
section regarding the methodology for prospectively determining 51556
the rates of designated outlier ICFs/IID and units shall provide 51557
for the methodology to consider the historical costs of providing 51558
ICF/IID services to the residents of designated outlier ICFs/IID 51559
and units. 51560

(2)(a) The rules may do both of the following: 51561

(i) Include for designation as an outlier ICF/IID or unit, an 51562
ICF/IID, or discrete unit of an ICF/IID, that serves residents who 51563
have complex medical conditions or severe behavioral problems; 51564

(ii) Require that a designated outlier ICF/IID or unit 51565

receive authorization from the department before admitting or 51566
retaining a resident. 51567

(b) If the director adopts rules authorized by division 51568
(D)(2)(a)(ii) of this section regarding the authorization of a 51569
designated outlier ICF/IID or unit to admit or retain a resident, 51570
the rules shall specify the criteria and procedures the department 51571
will apply when granting the authorization. 51572

Sec. 5124.17. (A) For each fiscal year, the department of 51573
developmental disabilities shall determine each ICF/IID's per 51574
medicaid day capital component rate. An ICF/IID's rate for a 51575
fiscal year shall equal the sum of the following: 51576

(1) The lesser of the following: 51577

(a) The sum of all of the following: 51578

(i) The ICF/IID's per diem fair rental value rate for the 51579
fiscal year as determined under division (B) of this section; 51580

(ii) The ICF/IID's per diem equipment rate for the fiscal 51581
year as determined under division (D) of this section; 51582

(iii) The ICF/IID's per diem secondary building rate for the 51583
fiscal year as determined under division (E) of this section. 51584

(b) The sum determined for the fiscal year under division (G) 51585
of this section. 51586

(2) The ICF/IID's per diem nonextensive renovation rate for 51587
the fiscal year as determined under division (H) of this section. 51588

(B) An ICF/IID's per diem fair rental value rate for a fiscal 51589
year is the quotient of the following: 51590

(1) The ICF/IID's fair rental value as determined under 51591
division (C) of this section; 51592

(2) The greater of the following: 51593

(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	51594 51595
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	51596 51597 51598
(C)(1) An ICF/IID's fair rental value is the product of the following:	51599 51600
(a) The sum of the following:	51601
(i) The ICF/IID's depreciated current asset value as determined under division (C)(2) of this section;	51602 51603
(ii) The ICF/IID's land value as determined under division (C)(10) of this section.	51604 51605
(b) Eleven per cent.	51606
(2) An ICF/IID's depreciated current asset value is its current asset value, as determined under division (C)(3) of this section, depreciated by the product of the following:	51607 51608 51609
(a) The ICF/IID's effective age as determined under division (C)(5) of this section;	51610 51611
(b) One and six-tenths per cent.	51612
(3) An ICF/IID's current asset value is the product of the following:	51613 51614
(a) The ICF/IID's value per square foot as determined under division (C)(4) of this section;	51615 51616
(b) The lesser of the ICF/IID's square footage and the following:	51617 51618
(i) If the ICF/IID is in peer group 1-A1 and is a downsized ICF/IID, its medicaid-certified capacity on the last day of the applicable cost report year multiplied by one thousand;	51619 51620 51621
(ii) If the ICF/IID is in peer group 1-A1 and is not a	51622

downsized ICF/IID, its medicaid-certified capacity on the last day 51623
of the applicable cost report year multiplied by five hundred 51624
fifty; 51625

(iii) If the ICF/IID is in peer group ~~2-A2~~ and is a downsized 51626
ICF/IID, its medicaid-certified capacity on the last day of the 51627
applicable cost report year multiplied by one thousand; 51628

(iv) If the ICF/IID is in peer group ~~2-A2~~ and is not a 51629
downsized ICF/IID, its medicaid-certified capacity on the last day 51630
of the applicable cost report year multiplied by seven hundred 51631
fifty; 51632

(v) If the ICF/IID is in peer group ~~3-A3~~, its 51633
medicaid-certified capacity on the last day of the applicable cost 51634
report year multiplied by eight hundred fifty; 51635

(vi) If the ICF/IID is in peer group ~~4-A4~~ or peer group ~~5-A5~~, 51636
its medicaid-certified capacity on the last day of the applicable 51637
cost report year multiplied by nine hundred. 51638

(4)(a) An ICF/IID's value per square foot shall be determined 51639
by using the version of the following RS means data that was most 51640
recently published at the time the determination is made: 51641

(i) If the ICF/IID is in peer group ~~1-A1~~ or peer group ~~2-A2~~, 51642
the RS means data for assisted-senior living facility construction 51643
costs; 51644

(ii) If the ICF/IID is in peer group ~~3-A3~~, peer group ~~4-A4~~, 51645
or peer group ~~5-A5~~, the RS means data for nursing home 51646
construction costs. 51647

(b) Except as provided in division (C)(4)(c) of this section, 51648
in determining an ICF/IID's value per square foot, the following 51649
modifier shall be used: 51650

(i) If the ICF/IID is located in Summit county, the modifier 51651
specified in the applicable RS means data for Akron; 51652

- (ii) If the ICF/IID is located in Athens county, the modifier specified in the applicable RS means data for Athens; 51653
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- (iii) If the ICF/IID is located in Ashtabula, Geauga, Lake, Medina, Portage, Stark, Trumbull, or Wayne county, the modifier specified in the applicable RS means data for Canton; 51655
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- (iv) If the ICF/IID is located in Ross county, the modifier specified in the applicable RS means data for Chillicothe; 51658
51659
- (v) If the ICF/IID is located in Hamilton county, the modifier specified in the applicable RS means data for Cincinnati; 51660
51661
- (vi) If the ICF/IID is located in Cuyahoga county, the modifier specified in the applicable RS means data for Cleveland; 51662
51663
- (vii) If the ICF/IID is located in Franklin county, the modifier specified in the applicable RS means data for Columbus; 51664
51665
- (viii) If the ICF/IID is located in Montgomery county, the modifier specified in the applicable RS means data for Dayton; 51666
51667
- (ix) If the ICF/IID is located in Brown, Butler, Clermont, Clinton, Champaign, Darke, Greene, Logan, Miami, Preble, Shelby, or Warren county, the modifier specified in the applicable RS means data for Hamilton; 51668
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- (x) If the ICF/IID is located in Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Henry, Huron, Mercer, Paulding, Putnam, Ottawa, Sandusky, Seneca, Van Wert, Williams, or Wood county, the modifier specified in the applicable RS means data for Lima; 51672
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- (xi) If the ICF/IID is located in Lorain county, the modifier specified in the applicable RS means data for Lorain; 51676
51677
- (xii) If the ICF/IID is located in Ashland, Crawford, Delaware, Fairfield, Fayette, Hardin, Knox, Licking, Madison, Morrow, Pickaway, Richland, Union, or Wyandot county, the modifier specified in the applicable RS means data for Mansfield; 51678
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- (xiii) If the ICF/IID is located in Marion county, the 51682

modifier specified in the applicable RS means data for Marion; 51683

(xiv) If the ICF/IID is located in Clark county, the modifier 51684
specified in the applicable RS means data for Springfield; 51685

(xv) If the ICF/IID is located in Jefferson county, the 51686
modifier specified in the applicable RS means data for 51687
Steubenville; 51688

(xvi) If the ICF/IID is located in Lucas county, the modifier 51689
specified in the applicable RS means data for Toledo; 51690

(xvii) If the ICF/IID is located in Mahoning county, the 51691
modifier specified in the applicable RS means data for Youngstown; 51692

(xviii) If the ICF/IID is located in Adams, Belmont, Carroll, 51693
Columbiana, Coshocton, Gallia, Guernsey, Harrison, Highland, 51694
Hocking, Holmes, Jackson, Lawrence, Meigs, Monroe, Morgan, 51695
Muskingum, Noble, Perry, Pike, Scioto, Tuscarawas, Vinton, or 51696
Washington county, the modifier specified in the applicable RS 51697
means data for Zanesville. 51698

(c) If a modifier ceases to be specified in the applicable RS 51699
means data for a city listed in division (C)(4)(b) of this 51700
section, the director of developmental disabilities shall specify 51701
in rules adopted under section 5124.03 of the Revised Code a 51702
different modifier for the counties that are affected by the 51703
change. 51704

(5) An ICF/IID's effective age shall be determined as 51705
follows: 51706

(a) Determine the sum of the numbers of the ICF/IID's new bed 51707
equivalents for renovations for the applicable cost report year 51708
and the immediately preceding thirty-nine calendar years as 51709
determined for each of those years under division (C)(7)(a) of 51710
this section; 51711

(b) Determine the sum of the numbers of the ICF/IID's new bed 51712

equivalents for additions that do not increase the ICF/IID's 51713
medicaid-certified capacity for the applicable cost report year 51714
and the immediately preceding thirty-nine calendar years as 51715
determined for each of those years under division (C)(8)(a) of 51716
this section; 51717

(c) Determine the sum of the numbers of the ICF/IID's new 51718
beds resulting from additions that increase the ICF/IID's 51719
medicaid-certified capacity for the applicable cost report year 51720
and the immediately preceding thirty-nine calendar years as 51721
determined for each of those years under division (C)(9)(a) of 51722
this section; 51723

(d) Determine the sum of the sums determined under divisions 51724
(C)(5)(a), (b), and (c) of this section; 51725

(e) Determine the difference of the following: 51726

(i) The ICF/IID's medicaid-certified capacity on the last day 51727
of the applicable cost report year; 51728

(ii) The lesser of the amount specified in division 51729
(C)(5)(e)(i) of this section and the sum determined under division 51730
(C)(5)(d) of this section. 51731

(f) For the purpose of determining the weighted age of the 51732
ICF/IID's original beds, determine the product of the following: 51733

(i) The difference determined under division (C)(5)(e) of 51734
this section; 51735

(ii) The ICF/IID's age as determined under division (C)(6) of 51736
this section. 51737

(g) Determine the sum of the weighted ages of the ICF/IID's 51738
new bed equivalents for renovations for the applicable cost report 51739
year and the immediately preceding thirty-nine calendar years as 51740
determined for each of those years under division (C)(7)(c) of 51741
this section; 51742

(h) Determine the sum of the weighted ages of the ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for each of those years under division (C)(8)(d) of this section;

(i) Determine the sum of the weighted ages of the ICF/IID's new beds resulting from additions that increase its medicaid-certified capacity for the applicable cost report year and the immediately preceding thirty-nine calendar years as determined for that period and each of those years under division (C)(9)(b) of this section;

(j) Determine the sum of the following:

(i) The product determined under division (C)(5)(f) of this section;

(ii) The sum of the sums determined under divisions (C)(5)(g), (h), and (i) of this section.

(k) Determine the quotient of the following:

(i) The sum determined under division (C)(5)(j) of this section;

(ii) The ICF/IID's medicaid-certified capacity on the last day of the applicable cost report year.

(6) An ICF/IID's age is the lesser of the following:

(a) The difference between the following:

(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;

(ii) The calendar year in which the ICF/IID was initially constructed.

(b) Forty.	51772
(7)(a) The number, for a year, of an ICF/IID's new bed equivalents for renovations is the quotient of the following:	51773
(i) The ICF/IID's desk-reviewed, actual, allowable renovation costs for the year;	51774
(ii) Seventy thousand dollars.	51775
(b) The age of an ICF/IID's new bed equivalents for renovations is the difference of the following:	51776
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	51777
(ii) The calendar year the renovations were completed.	51778
(c) The weighted age, for a year, of an ICF/IID's new bed equivalents for renovations is the product of the following:	51779
(i) The number, for that year, of the ICF/IID's new bed equivalents for renovations as determined under division (C)(7)(a) of this section;	51780
(ii) The age of those new bed equivalents as determined under division (C)(7)(b) of this section.	51781
(8)(a) The number, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the quotient of the following:	51782
(i) The value of such additions made to the ICF/IID that year as determined under division (C)(8)(b) of this section;	51783
(ii) Seventy thousand dollars.	51784
(b) The value of additions that do not increase an ICF/IID's medicaid-certified capacity is the product of the following:	51785
(i) The total square footage of the additions;	51786
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(ii) The ICF/IID's value per square foot as determined under division (C)(4) of this section.	51800 51801
(c) The age of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the difference of the following:	51802 51803 51804
(i) The calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section;	51805 51806 51807
(ii) The calendar year the additions were completed.	51808
(d) The weighted age, for a year, of an ICF/IID's new bed equivalents for additions that do not increase its medicaid-certified capacity is the product of the following:	51809 51810 51811
(i) The number, for that year, of the ICF/IID's new bed equivalents for such additions as determined under division (C)(8)(a) of this section;	51812 51813 51814
(ii) The age of those new bed equivalents as determined under division (C)(8)(c) of this section.	51815 51816
(9)(a) The number, for a year, of new beds resulting from additions that increase an ICF/IID's medicaid-certified capacity is the number by which the new beds increased the ICF/IID's medicaid-certified capacity that year.	51817 51818 51819 51820
(b) The weighted age, for a year, of new beds resulting from additions that increase an ICF/IID's medicaid-certified capacity is the product of the following:	51821 51822 51823
(i) The number by which those new beds increased the ICF/IID's medicaid-certified capacity that year;	51824 51825
(ii) The difference of the calendar year in which occurs the last day of the period covered by the cost report being used to determine the ICF/IID's rate under this section and the calendar year the ICF/IID's medicaid-certified capacity was so increased.	51826 51827 51828 51829

(10) An ICF/IID's land value is the product of the following:	51830
(a) The ICF/IID's current asset value as determined under division (C)(3) of this section;	51831 51832
(b) Ten per cent.	51833
(D) An ICF/IID's per diem equipment rate for a fiscal year shall be the lesser of the following:	51834 51835
(1) The quotient of the following:	51836
(a) The ICF/IID's costs for capital equipment for the applicable cost report year;	51837 51838
(b) The greater of the following:	51839
(i) The number of the ICF/IID's inpatient days for the applicable cost report year;	51840 51841
(ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	51842 51843 51844
(2) The following amount:	51845
(a) If the ICF/IID is in peer group 1-A1 , five dollars;	51846
(b) If the ICF/IID is in peer group 2-A2 , six dollars and fifty cents;	51847 51848
(c) If the ICF/IID is in peer group 3-A3 , eight dollars;	51849
(d) If the ICF/IID is in peer group 4-A 4 or peer group 5-A5 , nine dollars.	51850 51851
(E) An ICF/IID's per diem secondary building rate for a fiscal year is the quotient of the following:	51852 51853
(1) The ICF/IID's secondary building value as determined under division (F) of this section;	51854 51855
(2) The greater of the following:	51856
(a) The number of the ICF/IID's inpatient days for the	51857

applicable cost report year;	51858
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	51859 51860 51861
(F)(1) An ICF/IID's secondary building value is the product of the following:	51862 51863
(a) The sum of the following:	51864
(i) The sum of the depreciated current asset values of the ICF/IID's secondary buildings as determined under division (F)(2) of this section;	51865 51866 51867
(ii) The sum of the land values of the ICF/IID's secondary buildings as determined under division (F)(6) of this section.	51868 51869
(b) A rental rate of eleven per cent.	51870
(2) The depreciated current asset value of an ICF/IID's secondary building is the current asset value of the secondary building, as determined under division (F)(3) of this section, depreciated by the product of the following:	51871 51872 51873 51874
(a) The age of the secondary building as determined under division (F)(5) of this section;	51875 51876
(b) One and six-tenths per cent.	51877
(3) The current asset value of an ICF/IID's secondary building is the product of the following:	51878 51879
(a) The part of the secondary building's square footage that is allocated to the ICF/IID;	51880 51881
(b) The secondary building's value per square foot as determined under division (F)(4) of this section.	51882 51883
(4) The value per square foot of an ICF/IID's secondary building shall be determined by using the following:	51884 51885
(a) Except as provided in division (F)(4)(b) of this section,	51886

the most recent national average commercial cost estimate for 51887
office/warehouse buildings according to information available at 51888
buildingjournal.com on the last day of the applicable cost report 51889
year; 51890

(b) If the national average commercial cost estimate for 51891
office/warehouse buildings ceases to be available at 51892
buildingjournal.com, the most recent comparable cost estimate as 51893
specified in rules the director of developmental disabilities 51894
shall adopt under section 5124.03 of the Revised Code. 51895

(5) The age of an ICF/IID's secondary building is the lesser 51896
of the following: 51897

(a) The difference of the following: 51898

(i) The calendar year in which occurs the last day of the 51899
period covered by the cost report being used to determine the 51900
ICF/IID's rate under this section; 51901

(ii) The calendar year the secondary building was initially 51902
constructed. 51903

(b) Forty. 51904

(6) The land value of an ICF/IID's secondary building is the 51905
product of the following: 51906

(a) The current asset value of the ICF/IID's secondary 51907
building as determined under division (F)(3) of this section; 51908

(b) Ten per cent. 51909

(G) For the purposes of divisions (A)(1)(b) and (H)(1)(b)(ii) 51910
of this section, the department shall determine the sum of the 51911
following for each ICF/IID for each fiscal year: 51912

(1) The quotient of the following: 51913

(a) The ICF/IID's desk-reviewed, actual, allowable capital 51914
costs for the applicable cost report year; 51915

(b) The greater of the following:	51916
(i) The number of the ICF/IID's inpatient days for the applicable cost report year;	51917 51918
(ii) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	51919 51920 51921
(2) The following amount:	51922
(a) If the ICF/IID is in peer group 1-A1 or peer group 2-A2 , three dollars;	51923 51924
(b) If the ICF/IID is in peer group 3-A3 , peer group 4-A4 , or peer group 5-A5 , five dollars.	51925 51926
(3) The greater of the following:	51927
(a) Ten per cent of the difference of the following:	51928
(i) The sum of the quotient determined for the fiscal year under division (G)(1) of this section and the applicable amount specified in division (G)(2) of this section;	51929 51930 51931
(ii) The sum determined for the fiscal year under division (A)(1)(a) of this section.	51932 51933
(b) Zero.	51934
(H) An ICF/IID's per diem nonextensive renovation rate for a fiscal year is the following:	51935 51936
(1) If the sum of the ICF/IID's per diem costs of nonextensive renovations for the applicable cost report year as determined under division (I) of this section and the ICF/IID's per diem costs of ownership for the applicable cost report year as determined under division (J) of this section is greater than the sum determined for the ICF/IID for the fiscal year under division (G) of this section, the lesser of the following:	51937 51938 51939 51940 51941 51942 51943
(a) The ICF/IID's per diem costs of nonextensive renovations	51944

for the applicable cost report year as determined under division	51945
(I) of this section;	51946
(b) The difference of the following:	51947
(i) The sum of the ICF/IID's per diem costs of nonextensive	51948
renovation for the applicable cost report year as determined under	51949
division (I) of this section and the ICF/IID's per diem costs of	51950
ownership for the applicable cost report year as determined under	51951
division (J) of this section;	51952
(ii) The sum determined for the ICF/IID for the fiscal year	51953
under division (G) of this section.	51954
(2) If the sum of the ICF/IID's per diem costs of	51955
nonextensive renovation for the applicable cost report year as	51956
determined under division (I) of this section and the ICF/IID's	51957
per diem costs of ownership for the applicable cost report year as	51958
determined under division (J) of this section is less than or	51959
equal to the sum determined for the ICF/IID for the fiscal year	51960
under division (G) of this section, zero.	51961
(I) An ICF/IID's per diem costs of nonextensive renovations	51962
for an applicable cost report year are the quotient of the	51963
following:	51964
(1) The ICF/IID's desk-reviewed, actual, allowable costs of	51965
nonextensive renovations for the applicable cost report year;	51966
(2) The greater of the following:	51967
(a) The number of the ICF/IID's inpatient days for the	51968
applicable cost report year;	51969
(b) The number of inpatient days the ICF/IID would have had	51970
during the applicable cost report year if its occupancy rate had	51971
been ninety-two per cent that year.	51972
(J) An ICF/IID's per diem costs of ownership for an	51973
applicable cost report year are the quotient of the following:	51974

(1) The ICF/IID's desk-reviewed, actual, allowable costs of ownership for the applicable cost report year;	51975 51976
(2) The greater of the following:	51977
(a) The number of the ICF/IID's inpatient days for the applicable cost report year;	51978 51979
(b) The number of inpatient days the ICF/IID would have had during the applicable cost report year if its occupancy rate had been ninety-two per cent that year.	51980 51981 51982
Sec. 5124.19. (A) For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day direct care costs component rate. An ICF/IID's rate shall be determined as follows:	51983 51984 51985 51986
(1) Determine the product of the following:	51987
(a) The ICF/IID's quarterly case-mix score determined or assigned under section 5124.193 of the Revised Code for the following calendar quarter:	51988 51989 51990
(i) For the rate determined for fiscal year 2019, the calendar quarter ending December 31, 2017;	51991 51992
(ii) For the rate determined for each subsequent fiscal year, the calendar quarter ending on the last day of March of the calendar year in which the fiscal year begins.	51993 51994 51995
(b) The lesser of the following:	51996
(i) The ICF/IID's cost per case-mix unit for the applicable cost report year as determined under division (B) of this section;	51997 51998
(ii) The maximum cost per case-mix unit for the ICF/IID's peer group for the fiscal year for which the rate is determined as determined under division (C) of this section.	51999 52000 52001
(2) Adjust the product determined under division (A)(1) of this section by the inflation rate estimated under division (D) of	52002 52003

this section. 52004

(B) To determine an ICF/IID's cost per case-mix unit for a 52005
cost report year, the department shall determine the quotient of 52006
the following: 52007

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 52008
direct care costs for the cost report year; 52009

(2) The ICF/IID's annual average case-mix score as determined 52010
under section 5124.193 of the Revised Code for the fiscal year for 52011
which the rate is determined. 52012

(C)(1) The maximum cost per case-mix unit for a peer group 52013
for a fiscal year, other than peer group ~~5-A5~~, is the following 52014
percentage above the peer group's median cost per case-mix unit 52015
for that fiscal year: 52016

(a) For peer group ~~1-A1~~, sixteen per cent; 52017

(b) For peer group ~~2-A2~~, fourteen per cent; 52018

(c) For peer group ~~3-A3~~, eighteen per cent; 52019

(d) For peer group ~~4-A4~~, twenty-two per cent. 52020

(2) The maximum cost per case-mix unit for peer group ~~5-A5~~ 52021
for a fiscal year is the ninety-fifth percentile of all ICFs/IID 52022
in peer group ~~5-A5~~ for the applicable cost report year. 52023

(3) In determining the maximum cost per case-mix unit for a 52024
peer group under division (C)(1) of this section, the department 52025
shall exclude from its determination the cost per case-mix unit of 52026
any ICF/IID in the peer group that participated in the medicaid 52027
program under the same provider for less than twelve months during 52028
the applicable cost report year. 52029

(4) In determining the maximum cost per case-mix unit for a 52030
peer group under division (C)(1) or (2) of this section, the 52031
department shall exclude from its determination the cost per 52032
case-mix unit of any ICF/IID in the peer group that has a case-mix 52033

score that was assigned by the department to the ICF/IID under 52034
division (B) of section 5124.193 of the Revised Code. 52035

(5) The department shall not reset a peer group's maximum 52036
cost per case-mix unit for a fiscal year under division (C)(1) or 52037
(2) of this section based on additional information that the 52038
department receives after it sets the maximum for that fiscal 52039
year. The department shall reset a peer group's maximum cost per 52040
case-mix unit for a fiscal year only if it made an error in 52041
setting the maximum for that fiscal year based on information 52042
available to the department at the time it originally sets the 52043
maximum for that fiscal year. 52044

(D) The department shall estimate the rate of inflation for 52045
the eighteen-month period beginning on the first day of July of 52046
the applicable cost report year and ending on the last day of 52047
December of the fiscal year for which the rate is determined, 52048
using the following: 52049

(1) Subject to division (D)(2) of this section, the 52050
employment cost index for total compensation, health care and 52051
social assistance component, published by the United States bureau 52052
of labor statistics; 52053

(2) If the United States bureau of labor statistics ceases to 52054
publish the index specified in division (D)(1) of this section, 52055
the index that is subsequently published by the bureau and covers 52056
the staff costs of ICFs/IID. 52057

Sec. 5124.191. (A) As used in sections 5124.191 to 5124.193 52058
of the Revised Code, "ICF/IID resident" includes an individual who 52059
is on hospital or therapeutic leave from an ICF/IID. 52060

(B) In accordance with rules adopted under section 5124.03 of 52061
the Revised Code, the department of developmental disabilities 52062
shall assess each ICF/IID resident regardless of payment source 52063

and compile complete assessment data on the residents. The 52064
department shall perform the initial assessment of an ICF/IID 52065
resident. The department may perform a subsequent assessment of an 52066
ICF/IID resident under any of the following circumstances: 52067

(1) The provider of the ICF/IID in which the resident resides 52068
or from which the resident is on hospital or therapeutic leave has 52069
submitted to the department under division (D) of this section 52070
revised assessment data for the resident or an attestation of no 52071
changes in the resident's assessment data and the department has 52072
reason to believe that the revised assessment data or attestation 52073
is inaccurate; 52074

(2) The department has reason to believe that the resident's 52075
most recent assessment no longer accurately reflects the 52076
resident's condition; 52077

(3) The department determines that the resident's most recent 52078
assessment should be updated because of the passage of time since 52079
that assessment was performed. 52080

(C) If an ICF/IID provider disagrees with the results of an 52081
assessment performed by the department under this section, the 52082
provider may request that the department reconsider the results in 52083
accordance with rules adopted under section 5124.03 of the Revised 52084
Code. 52085

(D) After the department assesses an ICF/IID resident under 52086
this section, the provider of the ICF/IID in which the resident 52087
resides or from which the resident is on hospital or therapeutic 52088
leave shall submit to the department, not later than fifteen days 52089
after the end of each subsequent calendar quarter and through the 52090
medium or media specified in rules adopted under section 5124.03 52091
of the Revised Code, either of the following: 52092

(1) Revised assessment data for the resident if there are 52093
changes in the resident's assessment data; 52094

(2) An attestation that there are no changes in the resident's assessment data. 52095
52096

(E) A resident assessment instrument specified in rules 52097
adopted under section 5124.03 of the Revised Code shall be used to 52098
compile or revise assessment data of ICF/IID residents under this 52099
section. ~~The resident assessment instrument used for the purpose 52100
of this section may be different from the resident assessment 52101
instrument used for the purpose of section 5124.196 of the Revised 52102
Code. 52103~~

Sec. 5124.21. (A) For each fiscal year, the department of 52104
developmental disabilities shall determine each ICF/IID's per 52105
medicaid day indirect care costs component rate. An ICF/IID's rate 52106
shall be the lesser of the individual rate determined under 52107
division (B) of this section and the maximum rate determined for 52108
the ICF/IID's peer group under division (C) of this section. 52109

(B) An ICF/IID's individual rate is the sum of the following: 52110

(1) The ICF/IID's desk-reviewed, actual, allowable, per diem 52111
indirect care costs for the applicable cost report year, adjusted 52112
for the inflation rate estimated under division (E) of this 52113
section; 52114

(2) Subject to division (D) of this section, an efficiency 52115
incentive equal to the difference between the amount of the per 52116
diem indirect care costs for the applicable cost report year 52117
determined for the ICF/IID under division (B)(1) of this section 52118
and the maximum rate established for the ICF/IID's peer group 52119
under division (C) of this section for that year. 52120

(C)(1) The maximum rate for an ICF/IID's peer group shall be 52121
the following percentage above the peer group's median per diem 52122
indirect care costs for the applicable cost report year: 52123

(a) For ICFs/IID in peer group ~~1-A1~~, eight per cent; 52124

(b) For ICFs/IID in peer group ~~2-A2~~ or peer group ~~3-A3~~, ten 52125
per cent; 52126

(c) For ICFs/IID in peer group ~~4-A4~~ or peer group ~~5-A5~~, 52127
twelve per cent. 52128

(2) The department shall not redetermine a peer group's 52129
maximum rate under division (C)(1) of this section based on 52130
additional information that it receives after the maximum rate is 52131
set. The department shall redetermine a peer group's maximum rate 52132
only if the department made an error in computing the maximum rate 52133
based on the information available to the department at the time 52134
of the original calculation. 52135

(D) The efficiency incentive for an ICF/IID shall not exceed 52136
the following: 52137

(1) If the ICF/IID is in peer group ~~1-A1~~, five per cent of 52138
the peer group's maximum rate established under division (C)(1)(a) 52139
of this section; 52140

(2) If the ICF/IID is in peer group ~~2-A2~~, peer group ~~3-A3~~, 52141
peer group ~~4-A4~~, or peer group ~~5-A5~~, six per cent of the peer 52142
group's maximum rate established under division (C)(1)(b) or (c) 52143
of this section. 52144

(E) When adjusting rates for inflation under division (B)(1) 52145
of this section, the department shall estimate the rate of 52146
inflation for the eighteen-month period beginning on the first day 52147
of July of the applicable cost report year and ending on the 52148
thirty-first day of December of the fiscal year for which the rate 52149
is determined. To estimate the rate of inflation, the department 52150
shall use the following: 52151

(1) Subject to division (E)(2) of this section, the consumer 52152
price index for all items for all urban consumers for the midwest 52153
region, published by the United States bureau of labor statistics; 52154

(2) If the United States bureau of labor statistics ceases to publish the index specified in division (E)(1) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

Sec. 5124.23. For each fiscal year, the department of developmental disabilities shall determine each ICF/IID's per medicaid day other protected costs component rate. An ICF/IID's rate shall be the ICF/IID's desk-reviewed, actual, allowable, per diem other protected costs from the applicable cost report year, adjusted for inflation using the following:

(A) Subject to division (B) of this section, the consumer price index for all urban consumers for nonprescription drugs and medical supplies, as published by the United States bureau of labor statistics;

(B) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(B)(1)~~(A) of this section, the index that is subsequently published by the bureau and covers nonprescription drugs and medical supplies.

Sec. 5124.29. Except as otherwise provided in section 5124.30 of the Revised Code, the department of developmental disabilities, in determining whether an ICF/IID's direct care costs and indirect care costs are allowable, shall place no limit on specific categories of reasonable costs other than compensation of owners, compensation of relatives of owners, and compensation of administrators.

Compensation cost limits for owners and relatives of owners shall be based on compensation costs for individuals who hold comparable positions but who are not owners or relatives of owners, as reported on ICFs/IID's cost reports. As used in this section, "comparable position" means the position that is held by

the owner or the owner's relative, if that position is listed 52185
separately on the cost report form, or if the position is not 52186
listed separately, the group of positions that is listed on the 52187
cost report form and that includes the position held by the owner 52188
or the owner's relative. In the case of an owner or owner's 52189
relative who serves the ICFs/IID in a capacity such as corporate 52190
officer, proprietor, or partner for which no comparable position 52191
or group of positions is listed on the cost report form, the 52192
compensation cost limit shall be based on civil service 52193
equivalents and shall be specified in rules adopted under section 52194
5124.03 of the Revised Code. 52195

Compensation cost limits for administrators shall be based on 52196
compensation costs for administrators who are not owners or 52197
relatives of owners, as reported on ICFs/IID's cost reports. ~~For~~ 52198
~~the purpose of determining an ICF/IID's total per medicaid day~~ 52199
~~payment rate under division (C) of section 5124.15 of the Revised~~ 52200
~~Code, compensation cost limits for administrators of four or more~~ 52201
~~ICFs/IID shall be the same as the limits for administrators of~~ 52202
~~ICFs/IID with one hundred fifty or more beds.~~ 52203

Sec. 5124.30. Except as provided in ~~sections~~ section 5124.17 52204
~~and 5124.171~~ of the Revised Code, the costs of goods, services, 52205
and facilities, furnished to an ICF/IID provider by a related 52206
party are includable in the allowable costs of the provider at the 52207
reasonable cost to the related party. 52208

Sec. 5124.38. (A) The director of developmental disabilities 52209
shall establish a process under which an ICF/IID provider, or a 52210
group or association of ICF/IID providers, may seek 52211
reconsideration of medicaid payment rates established under this 52212
chapter, ~~including a rate for direct care costs redetermined~~ 52213
~~before the effective date of the rate as a result of an exception~~ 52214
~~review conducted under section 5124.198 of the Revised Code.~~ 52215

Except as provided in divisions (B) to (E) of this section, the
only issue that a provider, group, or association may raise in the
rate reconsideration is whether the rate was calculated in
accordance with this chapter and the rules adopted under section
5124.03 of the Revised Code. The provider, group, or association
may submit written arguments or other materials that support its
position. The provider, group, or association and department shall
take actions regarding the rate reconsideration within time frames
specified in rules authorized by this section.

If the department determines, as a result of the rate
reconsideration, that the rate established for one or more
ICFs/IID is less than the rate to which the ICF/IID is entitled,
the department shall increase the rate. If the department has paid
the incorrect rate for a period of time, the department shall pay
the provider of the ICF/IID the difference between the amount the
provider was paid for that period for the ICF/IID and the amount
the provider should have been paid for the ICF/IID.

(B)(1) The department, through the rate reconsideration
process, may increase during a fiscal year the medicaid payment
rate determined for an ICF/IID under this chapter if the provider
demonstrates that the ICF/IID's actual, allowable costs have
increased because of any of the following extreme circumstances:

(a) A natural disaster;

~~(b) A nonextensive renovation approved under division (E) of
section 5124.171 of the Revised Code;~~

~~(c)~~ If the ICF/IID has an appropriate claims management
program, an increase in the ICF/IID's workers' compensation
experience rating of greater than five per cent;

~~(d)~~(c) If the ICF/IID is an inner-city ICF/IID, increased
security costs;

~~(e)~~(d) A change of ownership that results from bankruptcy, 52246
foreclosure, or findings by the department of health of violations 52247
of medicaid certification requirements; 52248

~~(f)~~(e) Other extreme circumstances specified in rules 52249
authorized by this section. 52250

(2) An ICF/IID may qualify for a rate increase under this 52251
division only if its per diem, actual, allowable costs have 52252
increased to a level that exceeds its total rate. An increase 52253
under this division is subject to any rate limitations or maximum 52254
rates established by this chapter for specific cost centers. Any 52255
rate increase granted under this division shall take effect on the 52256
first day of the first month after the department receives the 52257
request. 52258

(C) The department, through the rate reconsideration process, 52259
may increase an ICF/IID's rate as determined under this chapter if 52260
the department, in the department's sole discretion, determines 52261
that the rate as determined under those sections works an extreme 52262
hardship on the ICF/IID. 52263

(D)(1) ~~When~~ Subject to any applicable limitation under 52264
section 5124.17 of the Revised Code, when beds certified for the 52265
medicaid program are added to an existing ICF/IID or replaced at 52266
the same site, the department, through the rate reconsideration 52267
process, ~~may do either of the following to account for the costs~~ 52268
~~of the beds that are added or replaced:~~ 52269

~~(a) Subject to any applicable limitation under section~~ 52270
~~5124.17 of the Revised Code,~~ proportionately increase the 52271
ICF/IID's per medicaid day capital component rate determined under 52272
that section. 52273

~~(b) Subject to any applicable limitation under section~~ 52274
~~5124.171 of the Revised Code,~~ proportionately increase the 52275
ICF/IID's per medicaid day payment rate for reasonable capital 52276

~~costs determined under that section to account for the costs of~~ 52277
~~the beds that are added or replaced.~~ 52278

(2) If the department grants an increase under division 52279
(D)(1)(a) ~~or (b)~~ of this section, the increase shall go into 52280
effect one month after the first day of the month after the 52281
department receives sufficient documentation needed to determine 52282
the amount of the increase. 52283

(3) ~~Any rate increase of an ICF/IID's per medicaid day~~ 52284
~~payment rate for reasonable capital costs determined under section~~ 52285
~~5124.171 of the Revised Code that is granted under division~~ 52286
(D)(1)(b) ~~of this section after June 30, 1993, shall remain in~~ 52287
~~effect until the earlier of the following:~~ 52288

(a) ~~The effective date of a per medicaid day payment rate for~~ 52289
~~reasonable capital costs determined under section 5124.171 of the~~ 52290
~~Revised Code that includes costs incurred for a full calendar year~~ 52291
~~for the bed addition or bed replacement;~~ 52292

(b) ~~The date the provider of the ICF/IID begins to be paid a~~ 52293
~~rate determined under division (B) of section 5124.15 of the~~ 52294
~~Revised Code.~~ 52295

(4) The provider of an ICF/IID that has its per medicaid day 52296
payment rate for reasonable capital costs increased under division 52297
(D)(1)(b) ~~(D)(1)~~ of this section shall report double accumulated 52298
depreciation in an amount equal to the depreciation included in 52299
the rate adjustment on its cost report for the first year of 52300
operation. During the term of any loan used to finance a project 52301
for which the rate increase is granted, the provider, if the 52302
ICF/IID is operated by the same provider, shall subtract from the 52303
interest costs it reports on the ICF/IID's cost report an amount 52304
equal to the difference between the following: 52305

(a) The actual, allowable interest costs for the loan during 52306
the calendar year for which the costs are being reported; 52307

(b) The actual, allowable interest costs attributable to the 52308
loan that were used to calculate the rates paid to the provider 52309
for the ICF/IID during the same calendar year. 52310

(E) If the provider of an ICF/IID submits to the department 52311
revised assessment data for a resident of the ICF/IID under 52312
division (D) of section 5124.191 of the Revised Code and the 52313
revised assessment data results in at least a fifteen per cent 52314
increase in the ICF/IID's case-mix score determined under section 52315
5124.193 of the Revised Code, the provider may request that the 52316
department, through the rate reconsideration process, increase the 52317
ICF/IID's per medicaid day direct care costs component rate 52318
determined under section 5124.19 of the Revised Code to account 52319
for the increase in the ICF/IID's case-mix score. If the 52320
department determines that the revised assessment data so 52321
increases the ICF/IID's case-mix score, the department shall grant 52322
the rate increase. The increase shall go into effect one month 52323
after the first day of the month after the department receives 52324
sufficient documentation needed to determine the amount of the 52325
increase. 52326

(F) The department's decision at the conclusion of a rate 52327
reconsideration process is not subject to any administrative 52328
proceedings under Chapter 119. or any other provision of the 52329
Revised Code. 52330

(G) The director of developmental disabilities shall adopt 52331
rules under section 5124.03 of the Revised Code as necessary to 52332
implement this section. 52333

Sec. 5124.39. (A) Except as provided in divisions (B) and (C) 52334
of this section, if the provider of an ICF/IID in former peer 52335
group 1-B, as that group existed on the date immediately preceding 52336
the effective date of this amendment, obtained approval from the 52337
department of developmental disabilities to become a downsized 52338

ICF/IID not later than July 1, 2018, and the ICF/IID does not 52339
become a downsized ICF/IID by that date, the department shall 52340
recoup from the provider an amount equal to the sum of the 52341
following: 52342

(1) The difference between the amount of the efficiency 52343
incentive payments the ICF/IID earned under former sections 52344
5124.171 and 5124.211 of the Revised Code, as those sections 52345
existed on the date immediately preceding the effective date of 52346
this amendment, because the provider obtained such approval and 52347
the amount of the efficiency incentive payments the ICF/IID would 52348
have earned under those sections had the provider not obtained 52349
such approval; 52350

(2) An amount of interest on the difference determined under 52351
division (A)(1) of this section. 52352

(B) The department shall exempt an ICF/IID provider from a 52353
recoupment otherwise required by this section if the provider 52354
voluntarily repays the department the difference determined under 52355
division (A)(1) of this section. No interest shall be charged on 52356
the amount voluntarily repaid. 52357

(C) The department may exempt an ICF/IID provider from a 52358
recoupment otherwise required by this section if both of the 52359
following apply: 52360

(1) The provider, on or before July 1, 2018, demonstrates to 52361
the department's satisfaction that the provider made a good faith 52362
effort to complete the downsizing by July 1, 2018, but the ICF/IID 52363
did not become a downsized ICF/IID by that date for reasons beyond 52364
the provider's control; 52365

(2) The ICF/IID becomes a downsized ICF/IID within a period 52366
of time after July 1, 2018, that the department determines is 52367
reasonable. 52368

(D) An ICF/IID provider subject to a recoupment under 52369
division (A) of this section or voluntarily making a repayment 52370
under division (B) of this section shall choose one of the 52371
following methods by which the recoupment or voluntary repayment 52372
shall be made: 52373

(1) In a lump sum payment; 52374

(2) Subject to the department's approval, in installment 52375
payments; 52376

(3) In a single deduction from the next available medicaid 52377
payment made to the provider if that payment at least equals the 52378
total amount of the recoupment or voluntary repayment; 52379

(4) Subject to the department's approval, in installment 52380
deductions from medicaid payments made to the provider. 52381

(E) An ICF/IID provider may request that the director of 52382
developmental disabilities reconsider either or both of the 52383
following: 52384

(1) A decision that the provider is subject to a recoupment 52385
under this section; 52386

(2) A determination under this section of the amount to be 52387
recouped from the provider. 52388

(F) The director shall adopt rules under section 5124.03 of 52389
the Revised Code as necessary to implement this section, including 52390
rules specifying how the amount of interest charged under division 52391
(A)(2) of this section is to be determined. 52392

Sec. 5124.40. If an ICF/IID provider properly amends a cost 52393
report for an ICF/IID under section 5124.107 of the Revised Code 52394
and the amended report shows that the provider received a lower 52395
medicaid payment rate under the original cost report than the 52396
provider was entitled to receive, the department of developmental 52397
disabilities shall adjust the provider's rate for the ICF/IID 52398

prospectively to reflect the corrected information. The department 52399
shall pay the adjusted rate beginning two months after the first 52400
day of the month after the provider files the amended cost report. 52401

~~If the department finds, from an exception review of resident 52402
assessment data conducted pursuant to section 5124.198 of the 52403
Revised Code after the effective date of an ICF/IID's rate for 52404
direct care costs that is based on the resident assessment data, 52405
that inaccurate resident assessment data resulted in the provider 52406
receiving a lower rate for the ICF/IID than the provider was 52407
entitled to receive, the department prospectively shall adjust the 52408
provider's rate for the ICF/IID accordingly. The department shall 52409
make payments to the provider using the adjusted rate for the 52410
remainder of the calendar quarter for which the resident 52411
assessment data is used to determine the rate, beginning one month 52412
after the first day of the month after the exception review is 52413
completed. 52414~~

Sec. 5124.41. (A) The department of developmental 52415
disabilities shall redetermine a provider's medicaid payment rate 52416
for an ICF/IID using revised information if ~~any~~ either of the 52417
following results in a determination that the provider received a 52418
higher medicaid payment rate for the ICF/IID than the provider was 52419
entitled to receive: 52420

(1) The provider properly amends a cost report for the 52421
ICF/IID under section 5124.107 of the Revised Code; 52422

(2) The department makes a finding based on an audit under 52423
section 5124.109 of the Revised Code; 52424

~~(3) The department makes a finding based on an exception 52425
review of resident assessment data conducted under section 52426
5124.198 of the Revised Code after the effective date of the 52427
ICF/IID's rate for direct care costs that is based on the resident 52428~~

~~assessment data.~~ 52429

(B) The department shall apply the redetermined rate to the 52430
periods when the provider received the incorrect rate to determine 52431
the amount of the overpayment. The provider shall refund the 52432
amount of the overpayment. The department may charge the provider 52433
the following amount of interest from the time the overpayment was 52434
made: 52435

(1) If the overpayment resulted from costs reported for 52436
calendar year 1993, the interest shall be not greater than one and 52437
one-half times the current average bank prime rate. 52438

(2) If the overpayment resulted from costs reported for a 52439
subsequent calendar year: 52440

(a) The interest shall be not greater than two times the 52441
current average bank prime rate if the overpayment was not more 52442
than one per cent of the total medicaid payments to the provider 52443
for the fiscal year for which the incorrect information was used 52444
to determine a rate. 52445

(b) The interest shall be not greater than two and one-half 52446
times the current average bank prime rate if the overpayment was 52447
more than one per cent of the total medicaid payments to the 52448
provider for the fiscal year for which the incorrect information 52449
was used to determine a rate. 52450

Sec. 5124.46. All of the following are subject to an 52451
adjudication conducted in accordance with Chapter 119. of the 52452
Revised Code: 52453

(A) Any audit disallowance that the department of 52454
developmental disabilities makes as the result of an audit under 52455
section 5124.109 of the Revised Code; 52456

~~(B) Any adverse finding that results from an exception review 52457
of resident assessment data conducted for an ICF/IID under section 52458~~

~~5124.198 of the Revised Code after the effective date of the~~ 52459
~~ICF/IID's medicaid payment rate for direct care costs that is~~ 52460
~~based on the resident assessment data;~~ 52461

~~(C)~~ Any medicaid payment deemed an overpayment under section 52462
5124.523 of the Revised Code; 52463

~~(D)~~(C) Any penalty the department imposes under section 52464
5124.42 of the Revised Code or section 5124.523 of the Revised 52465
Code. 52466

Sec. 5126.044. (A) As used in this section: 52467

(1) "Eligible person" has the same meaning as in section 52468
5126.03 of the Revised Code. 52469

(2) "Treatment" means the provision, coordination, or 52470
management of services provided to an eligible person. 52471

(3) "Payment" means activities undertaken by a service 52472
provider or governmental entity to obtain or provide reimbursement 52473
for services to an eligible person. 52474

(B) Except as provided in division (C) of this section, no 52475
person shall disclose the identity of an individual who requests 52476
programs or services under this chapter or release a record or 52477
report regarding an eligible person that is maintained by a county 52478
board of developmental disabilities or an entity under contract 52479
with a county board unless one of the following circumstances 52480
exists: 52481

(1) The individual, eligible person, or the individual's 52482
guardian, or, if the individual is a minor, the individual's 52483
parent or guardian, makes a written request to the county board or 52484
entity for or approves in writing disclosure of the individual's 52485
identity or release of the record or report regarding the eligible 52486
person. 52487

(2) Disclosure of the identity of an individual is needed for 52488

approval of a direct services contract under section 5126.032 or 52489
5126.033 of the Revised Code. The county board shall release only 52490
the individual's name and the general nature of the services to be 52491
provided. 52492

(3) Disclosure of the identity of the individual is needed to 52493
ascertain that the county board's waiting lists for programs or 52494
services are being maintained in accordance with section 5126.042 52495
of the Revised Code and the rules adopted under that section. The 52496
county board shall release only the individual's name, the general 52497
nature of the programs or services to be provided the individual, 52498
the individual's rank on each waiting list that includes the 52499
individual, and any circumstances under which the individual was 52500
given priority when placed on a waiting list. 52501

(4) Disclosure of the identity of an individual who is an 52502
eligible person is needed for treatment of or payment for services 52503
provided to the individual. 52504

(5) Release of a record or report regarding an individual 52505
that is maintained by the county board or an entity under contract 52506
with a county board is requested by a probate court pursuant to a 52507
proceeding under Chapter 2111. of the Revised Code. Any record or 52508
report released under this division shall only be released to the 52509
parties to the proceeding. 52510

(6) Release of a record or report regarding an individual 52511
that is maintained by the county board or an entity under contract 52512
with a county board is requested by the department of 52513
developmental disabilities for purposes of a proceeding under 52514
sections 5123.69 to 5123.79 of the Revised Code or for the 52515
department to comply with any court order issued under sections 52516
2945.371 to 2945.402 of the Revised Code. 52517

(C)(1) At the request of an eligible person or the person's 52518
guardian or, if the eligible person is a minor, the person's 52519

parent or guardian, a county board or entity under contract with a 52520
county board shall provide the person who made the request access 52521
to records and reports regarding the eligible person. On written 52522
request, the county board or entity shall provide copies of the 52523
records and reports to the eligible person, guardian, or parent. 52524
The county board or entity may charge a reasonable fee to cover 52525
the costs of copying. The county board or entity may waive the fee 52526
in cases of hardship. 52527

(2) A county board shall provide access to any waiting list 52528
or record or report regarding an eligible person maintained by the 52529
board to any state agency responsible for monitoring and reviewing 52530
programs and services provided or arranged by the county board, 52531
any state agency involved in the coordination of services for an 52532
eligible person, and any agency under contract with the department 52533
of developmental disabilities for the provision of protective 52534
service pursuant to section 5123.56 of the Revised Code. 52535

(3) When an eligible person who requests programs or services 52536
under this chapter dies, the county board or entity under contract 52537
with the county board, shall, on written request, provide to both 52538
of the following persons any reports and records in the board or 52539
entity's possession concerning the eligible person: 52540

(a) If the report or records are necessary to administer the 52541
estate of the person who is the subject of the reports or records, 52542
to the executor or administrator of the person's estate; 52543

(b) To the guardian of the person who is the subject of the 52544
reports or records or, if the individual had no guardian at the 52545
time of death, to a person in the first applicable of the 52546
following categories: 52547

(i) The person's spouse; 52548

(ii) The person's children; 52549

(iii) The person's parents; 52550

(iv) The person's brothers or sisters; 52551

(v) The person's uncles or aunts; 52552

(vi) The person's closest relative by blood or adoption; 52553

(vii) The person's closest relative by marriage. 52554

The county board or entity shall provide the reports and 52555
records as required by division (C)(3) of this section not later 52556
than thirty days after receipt of the request. 52557

(D) A county board shall notify an eligible person, the 52558
person's guardian, or, if the eligible person is a minor, the 52559
person's parent or guardian, prior to destroying any record or 52560
report regarding the eligible person. 52561

Sec. 5126.05. (A) Subject to the rules established by the 52562
director of developmental disabilities pursuant to Chapter 119. of 52563
the Revised Code for programs and services offered pursuant to 52564
this chapter, and subject to the rules established by the state 52565
board of education pursuant to Chapter 119. of the Revised Code 52566
for programs and services offered pursuant to Chapter 3323. of the 52567
Revised Code, the county board of developmental disabilities 52568
shall: 52569

(1) Administer and operate facilities, programs, and services 52570
as provided by this chapter and Chapter 3323. of the Revised Code 52571
and establish policies for their administration and operation; 52572

(2) Coordinate, monitor, and evaluate existing services and 52573
facilities available to individuals with developmental 52574
disabilities; 52575

(3) Provide early childhood services, supportive home 52576
services, and adult services, according to the plan and priorities 52577
developed under section 5126.04 of the Revised Code; 52578

(4) Provide or contract for special education services 52579

pursuant to Chapters 3317. and 3323. of the Revised Code and 52580
ensure that related services, as defined in section 3323.01 of the 52581
Revised Code, are available according to the plan and priorities 52582
developed under section 5126.04 of the Revised Code; 52583

(5) Adopt a budget, authorize expenditures for the purposes 52584
specified in this chapter and do so in accordance with section 52585
319.16 of the Revised Code, approve attendance of board members 52586
and employees at professional meetings and approve expenditures 52587
for attendance, and exercise such powers and duties as are 52588
prescribed by the director; 52589

(6) Submit annual reports of its work and expenditures, 52590
pursuant to sections 3323.09 and ~~5126.12~~ 5126.131 of the Revised 52591
Code, to the director, the superintendent of public instruction, 52592
and the board of county commissioners at the close of the fiscal 52593
year and at such other times as may reasonably be requested; 52594

(7) Authorize all positions of employment, establish 52595
compensation, including but not limited to salary schedules and 52596
fringe benefits for all board employees, approve contracts of 52597
employment for management employees that are for a term of more 52598
than one year, employ legal counsel under section 309.10 of the 52599
Revised Code, and contract for employee benefits. A county board 52600
may provide benefits through an individual or joint self-insurance 52601
program as provided under section 9.833 of the Revised Code. 52602

(8) Provide service and support administration in accordance 52603
with section 5126.15 of the Revised Code; 52604

(9) Certify respite care homes pursuant to rules adopted 52605
under section 5123.171 of the Revised Code by the director of 52606
developmental disabilities; 52607

(10) Implement an employment first policy that clearly 52608
identifies community employment as the desired outcome for every 52609
individual of working age who receives services from the board; 52610

(11) Set benchmarks for improving community employment 52611
outcomes. 52612

(B) To the extent that rules adopted under this section apply 52613
to the identification and placement of children with disabilities 52614
under Chapter 3323. of the Revised Code, they shall be consistent 52615
with the standards and procedures established under sections 52616
3323.03 to 3323.05 of the Revised Code. 52617

(C) Any county board may enter into contracts with other such 52618
boards and with public or private, nonprofit, or profit-making 52619
agencies or organizations of the same or another county, to 52620
provide the facilities, programs, and services authorized or 52621
required, upon such terms as may be agreeable, and in accordance 52622
with this chapter and Chapter 3323. of the Revised Code and rules 52623
adopted thereunder and in accordance with sections 307.86 and 52624
5126.071 of the Revised Code. 52625

(D) A county board may combine transportation for children 52626
and adults enrolled in programs and services offered under Chapter 52627
5126. of the Revised Code with transportation for children 52628
enrolled in classes funded under sections 3317.0213 and 3317.20 of 52629
the Revised Code. 52630

(E) A county board may purchase all necessary insurance 52631
policies, may purchase equipment and supplies through the 52632
department of administrative services or from other sources, and 52633
may enter into agreements with public agencies or nonprofit 52634
organizations for cooperative purchasing arrangements. 52635

(F) A county board may receive by gift, grant, devise, or 52636
bequest any moneys, lands, or property for the benefit of the 52637
purposes for which the board is established and hold, apply, and 52638
dispose of the moneys, lands, and property according to the terms 52639
of the gift, grant, devise, or bequest. All money received by 52640
gift, grant, bequest, or disposition of lands or property received 52641

by gift, grant, devise, or bequest shall be deposited in the 52642
county treasury to the credit of such board and shall be available 52643
for use by the board for purposes determined or stated by the 52644
donor or grantor, but may not be used for personal expenses of the 52645
board members. Any interest or earnings accruing from such gift, 52646
grant, devise, or bequest shall be treated in the same manner and 52647
subject to the same provisions as such gift, grant, devise, or 52648
bequest. 52649

(G) The board of county commissioners shall levy taxes and 52650
make appropriations sufficient to enable the county board of 52651
developmental disabilities to perform its functions and duties, 52652
and may utilize any available local, state, and federal funds for 52653
such purpose. 52654

Sec. 5126.054. Annually, on or before the thirty-first day of 52655
December each year, each county board of developmental 52656
disabilities shall, ~~by resolution, develop and~~ submit to the 52657
department of developmental disabilities ~~an annual plan that~~ 52658
~~includes both of~~ the following components: 52659

(A) ~~The number of individuals with developmental disabilities~~ 52660
~~residing in the county who are placed on the county board's~~ 52661
~~waiting list established for the services pursuant to section~~ 52662
~~5126.042 of the Revised Code; the service needs of those~~ 52663
~~individuals; and the projected annualized cost for services;~~ 52664

~~(B) The An annual waiver allocation projection that contains~~ 52665
~~the projected number of individuals to whom the board intends to~~ 52666
~~provide home and community-based services based on available~~ 52667
~~funding as projected in the board's annual five-year projection~~ 52668
~~report submitted pursuant to section 5126.053 of the Revised Code;~~ 52669

~~(C) How the services are to be phased in over the period the~~ 52670
~~plan covers, including how the county board will serve the~~ 52671
~~individuals identified in divisions (A)(1) and (2) of this~~ 52672

~~section;~~ 52673

~~(D) Any other applicable information or conditions that the~~ 52674
~~department requires as a condition of approving the plan under~~ 52675
~~section 5123.046 of the Revised Code~~(B) Assurances that the county 52676
board does both of the following: 52677

(1) Employs or contracts with a business manager, or has 52678
entered into an agreement with another county board that employs 52679
or contracts with a business manager to have that business manager 52680
serve both counties. The superintendent of a county board shall 52681
not serve as the business manager of the county board. 52682

(2) Employs or contracts with a medicaid services manager, or 52683
has entered into an agreement with another county board that 52684
employs or contracts with a medicaid services manager to have that 52685
medicaid services manager serve both counties. The superintendent 52686
of a county board shall not serve as the medicaid services manager 52687
of the county board. 52688

Sec. 5126.055. (A) Except as provided in section 5126.056 of 52689
the Revised Code, a county board of developmental disabilities has 52690
medicaid local administrative authority to, and shall, do all of 52691
the following for an individual with a developmental disability 52692
who resides in the county that the county board serves and seeks 52693
or receives home and community-based services: 52694

(1) Perform assessments and evaluations of the individual. As 52695
part of the assessment and evaluation process, all of the 52696
following apply: 52697

(a) The county board shall make a recommendation to the 52698
department of developmental disabilities on whether the department 52699
should approve or deny the individual's application for the 52700
services, including on the basis of whether the individual needs 52701
the level of care an ICF/IID provides. 52702

(b) If the individual's application is denied because of the county board's recommendation and the individual appeals pursuant to section 5160.31 of the Revised Code, the county board shall present, with the department of developmental disabilities or department of medicaid, whichever denies the application, the reasons for the recommendation and denial at the hearing.

(c) If the individual's application is approved, the county board shall recommend to the departments of developmental disabilities and medicaid the services that should be included in the individual service plan. If either department under section 5166.21 of the Revised Code approves, reduces, denies, or terminates a service included in the plan because of the county board's recommendation, the board shall present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing held pursuant to an appeal made under section 5160.31 of the Revised Code.

(2) Perform any duties assigned to the county board in rules adopted under section 5126.046 of the Revised Code regarding the individual's right to choose a qualified and willing provider of the services and, at a hearing held pursuant to an appeal made under section 5160.31 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(3) If the county board is certified under section 5123.161 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;

(4) Monitor the services provided to the individual and ensure the individual's health, safety, and welfare. The

monitoring shall include quality assurance activities. If the 52735
county board provides the services, the department of 52736
developmental disabilities shall also monitor the services. 52737

(5) Develop, with the individual and the provider of the 52738
individual's services, an effective individual service plan that 52739
includes coordination of services, recommend that the departments 52740
of developmental disabilities and medicaid approve the plan, and 52741
implement the plan unless either department disapproves it. The 52742
plan shall include a summary page, agreed to by the county board, 52743
provider, and individual receiving services, that clearly outlines 52744
the amount, duration, and scope of services to be provided under 52745
the plan. 52746

(6) Have an investigative agent conduct investigations under 52747
section 5126.313 of the Revised Code that concern the individual; 52748

(7) Have a service and support administrator perform the 52749
duties under division (B)(8) of section 5126.15 of the Revised 52750
Code that concern the individual. 52751

(B) A county board shall perform its medicaid local 52752
administrative authority under this section in accordance with all 52753
of the following: 52754

~~(1) The county board's plan that the department of 52755
developmental disabilities approves under section 5123.046 of the 52756
Revised Code;~~ 52757

~~(2) All applicable federal and state laws;~~ 52758

~~(3) (2) All applicable policies of the departments of 52759
developmental disabilities and medicaid and the United States 52760
department of health and human services;~~ 52761

~~(4) (3) The department of medicaid's supervision under its 52762
authority as the single state medicaid agency;~~ 52763

~~(5) (4) The department of developmental disabilities' 52764~~

oversight. 52765

(C) The departments of developmental disabilities and 52766
medicaid shall communicate with and provide training to county 52767
boards regarding medicaid local administrative authority granted 52768
by this section. The communication and training shall include 52769
issues regarding audit protocols and other standards established 52770
by the United States department of health and human services that 52771
the departments determine appropriate for communication and 52772
training. County boards shall participate in the training. The 52773
departments shall assess the county board's compliance against 52774
uniform standards that the departments shall establish. 52775

(D) A county board may not delegate its medicaid local 52776
administrative authority granted under this section but may 52777
contract with a person or government entity, including a council 52778
of governments, for assistance with its medicaid local 52779
administrative authority. A county board that enters into such a 52780
contract shall notify the director of developmental disabilities. 52781
The notice shall include the tasks and responsibilities that the 52782
contract gives to the person or government entity. The person or 52783
government entity shall comply in full with all requirements to 52784
which the county board is subject regarding the person or 52785
government entity's tasks and responsibilities under the contract. 52786
The county board remains ultimately responsible for the tasks and 52787
responsibilities. 52788

(E) A county board that has medicaid local administrative 52789
authority under this section shall, through the departments of 52790
developmental disabilities and medicaid, reply to, and cooperate 52791
in arranging compliance with, a program or fiscal audit or program 52792
violation exception that a state or federal audit or review 52793
discovers. The department of medicaid shall timely notify the 52794
department of developmental disabilities and the county board of 52795
any adverse findings. After receiving the notice, the county 52796

board, in conjunction with the department of developmental 52797
disabilities, shall cooperate fully with the department of 52798
medicaid and timely prepare and send to the department a written 52799
plan of correction or response to the adverse findings. The county 52800
board is liable for any adverse findings that result from an 52801
action it takes or fails to take in its implementation of medicaid 52802
local administrative authority. 52803

(F) If the department of developmental disabilities or 52804
department of medicaid determines that a county board's 52805
implementation of its medicaid local administrative authority 52806
under this section is deficient, the department that makes the 52807
determination shall require that county board do the following: 52808

(1) If the deficiency affects the health, safety, or welfare 52809
of an individual with a developmental disability, correct the 52810
deficiency within twenty-four hours; 52811

(2) If the deficiency does not affect the health, safety, or 52812
welfare of an individual with a developmental disability, receive 52813
technical assistance from the department or submit a plan of 52814
correction to the department that is acceptable to the department 52815
within sixty days and correct the deficiency within the time 52816
required by the plan of correction. 52817

Sec. 5126.056. (A) The department of developmental 52818
disabilities shall take action under division (B) of this section 52819
against a county board of developmental disabilities if ~~any~~ either 52820
of the following are the case: 52821

~~(1) The county board fails to submit to the department all 52822
the components of its annual plan required by section 5126.054 of 52823
the Revised Code. 52824~~

~~(2) The department disapproves the county board's annual plan 52825
under section 5123.046 of the Revised Code. 52826~~

~~(3) The county board fails to implement its annual plan approved by the department.~~ 52827
52828

~~(4) The county board fails to correct a deficiency within the time required by division (F) of section 5126.055 of the Revised Code to the satisfaction of the department.~~ 52829
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~~(5) (2) The county board fails to submit an acceptable plan of correction to the department within the time required by division (F)(2) of section 5126.055 of the Revised Code.~~ 52832
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52834

(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, or all or part of both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 52835
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local administrative authority terminated or another entity the department approves administer the services for which the county board's medicaid local administrative authority is terminated. The department may contract with the other county board or entity to administer the services. If the department enters into such a contract, the county board shall adopt a resolution giving the other county board or entity full medicaid local administrative authority over the services that the other county board or entity 52847
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is to administer. The other county board or entity shall be known 52859
as the contracting authority. 52860

If the department rejects the county board's recommendation 52861
regarding a contracting authority, the county board may appeal the 52862
rejection under section 5123.043 of the Revised Code. 52863

If the county board does not submit a recommendation to the 52864
department regarding a contracting authority within the required 52865
time or the department rejects the county board's recommendation 52866
and the rejection is upheld pursuant to an appeal, if any, under 52867
section 5123.043 of the Revised Code, the department shall appoint 52868
an administrative receiver to administer the services for which 52869
the county board's medicaid local administrative authority is 52870
terminated. To the extent necessary for the department to appoint 52871
an administrative receiver, the department may utilize employees 52872
of the department, management personnel from another county board, 52873
or other individuals who are not employed by or affiliated with in 52874
any manner a person that provides home and community-based 52875
services or medicaid case management services pursuant to a 52876
contract with any county board. The administrative receiver shall 52877
assume full administrative responsibility for the county board's 52878
services for which the county board's medicaid local 52879
administrative authority is terminated. 52880

The contracting authority or administrative receiver shall 52881
develop and submit to the department a plan of correction to 52882
remediate the problems that caused the department to issue the 52883
termination order. If, after reviewing the plan, the department 52884
approves it, the contracting authority or administrative receiver 52885
shall implement the plan. 52886

The county board shall transfer control of state and federal 52887
funds it is otherwise eligible to receive for the services for 52888
which the county board's medicaid local administrative authority 52889
is terminated and funds the county board may use under division 52890

(A) of section 5126.0511 of the Revised Code to pay the nonfederal share of the services that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay. The county board shall transfer control of the funds to the contracting authority or administrative receiver administering the services. The amount the county board shall transfer shall be the amount necessary for the contracting authority or administrative receiver to fulfill its duties in administering the services, including its duties to pay its personnel for time worked, travel, and related matters. If the county board fails to make the transfer, the department may withhold the state and federal funds from the county board and bring a mandamus action against the county board in the court of common pleas of the county served by the county board or in the Franklin county court of common pleas. The mandamus action may not require that the county board transfer any funds other than the funds the county board is required by division (B) of this section to transfer.

The contracting authority or administrative receiver has the right to authorize the payment of bills in the same manner that the county board may authorize payment of bills under this chapter and section 319.16 of the Revised Code.

Sec. 5126.071. (A) As used in this section, "minority business enterprise" has the meaning given in division (E)(1) of section 122.71 of the Revised Code.

(B) Any minority business enterprise that desires to bid on a contract under division (C) or (D) of this section shall first apply to the ~~equal employment opportunity coordinator in the department of administrative services~~ development for certification as a minority business enterprise. The ~~coordinator~~ director of development shall approve the application of any minority business enterprise that complies with the rules adopted under section

122.71 of the Revised Code. The ~~coordinator~~director shall prepare 52922
and maintain a list of minority business enterprises certified 52923
under this section. 52924

(C) From the contracts to be awarded for the purchases of 52925
equipment, materials, supplies, insurance, and nonprogram 52926
services, other than contracts entered into and exempt under 52927
sections 307.86 and 5126.05 of the Revised Code, each county board 52928
of developmental disabilities shall select a number of contracts 52929
with an aggregate value of approximately fifteen per cent of the 52930
total estimated value of such contracts to be awarded in the 52931
current calendar year. The board shall set aside the contracts so 52932
selected for bidding by minority business enterprises only. The 52933
bidding procedures for such contracts shall be the same as for all 52934
other contracts awarded under section 307.86 of the Revised Code, 52935
except that only minority business enterprises certified and 52936
listed under division (B) of this section shall be qualified to 52937
submit bids. Contracts set aside and awarded under this section 52938
shall not include contracts for the purchase of services such as 52939
direct and ancillary services, service and support administration, 52940
residential services, and family support services. 52941

(D) To the extent that a board is authorized to enter into 52942
contracts for construction which are not exempt from the 52943
competitive bidding requirements of section 307.86 of the Revised 52944
Code, the board shall set aside a number of contracts the 52945
aggregate value of which equals approximately five per cent of the 52946
aggregate value of construction contracts for the current calendar 52947
year for bidding by minority business enterprises only. The 52948
bidding procedures for the contracts set aside for minority 52949
business enterprises shall be the same as for all other contracts 52950
awarded by the board, except that only minority business 52951
enterprises certified and listed under division (B) of this 52952
section shall be qualified to submit bids. 52953

Any contractor awarded a construction contract pursuant to 52954
this section shall make every effort to ensure that certified 52955
minority business subcontractors and materials suppliers 52956
participate in the contract. In the case of contracts specified in 52957
this division, the total value of subcontracts awarded to and 52958
materials and services purchased from minority businesses shall be 52959
at least ten per cent of the total value of the contract, wherever 52960
possible and whenever the contractor awards subcontracts or 52961
purchases materials or services. 52962

(E) In the case of contracts set aside under divisions (C) 52963
and (D) of this section, if no bid is submitted by a minority 52964
business enterprise, the contract shall be awarded according to 52965
normal bidding procedures. The board shall from time to time set 52966
aside such additional contracts as are necessary to replace those 52967
contracts previously set aside on which no minority business 52968
enterprise bid. 52969

(F) This section does not preclude any minority business 52970
enterprise from bidding on any other contract not specifically set 52971
aside for minority business enterprises. 52972

(G) Within ninety days after the beginning of each calendar 52973
year, each county board of developmental disabilities shall file a 52974
report with the department of developmental disabilities that 52975
shows for that calendar year the name of each minority business 52976
enterprise with which the board entered into a contract, the value 52977
and type of each such contract, the total value of contracts 52978
awarded under divisions (C) and (D) of this section, the total 52979
value of contracts awarded for the purchases of equipment, 52980
materials, supplies, or services, other than contracts entered 52981
into under the exemptions of sections 307.86 and 5126.05 of the 52982
Revised Code, and the total value of contracts entered into for 52983
construction. 52984

(H) Any person who intentionally misrepresents that person as 52985

owning, controlling, operating, or participating in a minority 52986
business enterprise for the purpose of obtaining contracts or any 52987
other benefits under this section shall be guilty of theft by 52988
deception as provided for in section 2913.02 of the Revised Code. 52989

Sec. 5126.131. (A)(1) Each regional council established under 52990
section 5126.13 of the Revised Code shall file with the department 52991
of developmental disabilities an annual cost report detailing the 52992
regional council's income and expenditures. 52993

(2) Each county board of developmental disabilities shall 52994
file with the department an annual cost report detailing the 52995
board's income and expenditures. 52996

(B)(1)(a) Unless the department establishes a later date for 52997
all regional council cost reports, each council shall file its 52998
cost report not later than the last day of April. At the written 52999
request of a regional council, the department may grant a 53000
fourteen-day extension for filing the cost report. 53001

(b) Unless the department establishes a later date for all 53002
county board cost reports, each board shall file its cost report 53003
not later than the last day of May. At the written request of a 53004
board, the department may grant a fourteen-day extension for 53005
filing the board's cost report. 53006

(2) The cost report shall contain information on the previous 53007
calendar year's income and expenditures. Once filed by a regional 53008
council or board, no changes may be made to the cost report, 53009
including the submission of additional documentation, except as 53010
otherwise provided in this section. 53011

(C) Each cost report filed under this section by a regional 53012
council or board ~~shall~~ may be audited by the department or an 53013
entity designated by the department, utilizing methodology 53014
approved by the United States centers for medicare and medicaid 53015

services. The department or designated entity shall notify the regional council or board of the date on which the audit is to begin. The department may permit a regional council or board to submit changes to the cost report before the audit begins.

If the department or designated entity determines that a filed cost report is not auditable, it shall provide written notification to the regional council or board of the cost report's deficiencies and may request additional documentation. If the department or designated entity requests additional documentation, the regional council or board shall be given sixty days after the request is made to provide the additional documentation. After sixty days, the department or designated entity shall determine whether the cost report is auditable with any additional documentation provided and shall notify the regional council or board of its determination. The determination of the department or designated entity is final.

(D) The department or designated entity shall certify its audit as complete and file a copy of the certified audit in the office of the clerk of the governing body, executive officer of the governing body, and chief fiscal officer of the audited regional council or board. Changes may not be made to a cost report once the department or designated entity files the certified audit. The cost report is not a public record under section 149.43 of the Revised Code until copies of the cost report are filed pursuant to this section.

(E) The department may withhold any funds that it distributes to a regional council or board as subsidy payments if either of the following is the case:

(1) The cost report is not timely filed by the regional council or board with the department in accordance with division (B) of this section.

(2) The cost report is determined not auditable under 53047
division (C) of this section after the department or designated 53048
entity gives the regional council or board sixty days to provide 53049
additional documentation. 53050

(F) Cost reports shall be retained by regional councils and 53051
boards for seven years. The department shall provide annual 53052
training to regional council and board employees regarding cost 53053
reports required by this section. 53054

(G) The department, in accordance with Chapter 119. of the 53055
Revised Code, may adopt any rules necessary to implement this 53056
section. 53057

Sec. 5145.31. (A) As used in this section, "computer," 53058
"computer network," "computer system," "computer services," 53059
"telecommunications service," and "information service" have the 53060
same meanings as in section 2913.01 of the Revised Code. 53061

(B) No officer or employee of a correctional institution 53062
under the control or supervision of the department of 53063
rehabilitation and correction shall provide a prisoner access to 53064
or permit a prisoner to have access to the internet through the 53065
use of a computer, computer network, computer system, computer 53066
services, telecommunications service, or information service 53067
unless both of the following apply: 53068

(1) The prisoner is ~~participating in an approved educational~~ 53069
~~program with direct supervision that requires the use of the~~ 53070
~~internet for training or research purposes~~ accessing the internet 53071
solely for a use or purpose approved by the managing officer of 53072
that prisoner's institution or by the managing officer's designee. 53073

(2) The provision of and access to the internet is in 53074
accordance with rules promulgated by the department of 53075
rehabilitation and correction pursuant to section 5120.62 of the 53076

Revised Code. 53077

(C)(1) No prisoner in a correctional institution under the 53078
control or supervision of the department of rehabilitation and 53079
correction shall access the internet through the use of a 53080
computer, computer network, computer system, computer services, 53081
telecommunications service, or information service unless both of 53082
the following apply: 53083

(a) The prisoner is ~~participating in an approved educational~~ 53084
~~program with direct supervision that requires the use of the~~ 53085
~~internet for training or research purposes~~ accessing the internet 53086
solely for a use or purpose approved by the managing officer of 53087
that prisoner's institution or by the managing officer's designee. 53088

(b) The provision of and access to the internet is in 53089
accordance with rules promulgated by the department of 53090
rehabilitation and correction pursuant to section 5120.62 of the 53091
Revised Code. 53092

(2) Whoever violates division (C)(1) of this section is 53093
guilty of improper internet access, a misdemeanor of the first 53094
degree. 53095

Sec. 5149.31. (A) The department of rehabilitation and 53096
correction shall do all of the following: 53097

(1) Establish and administer a program of subsidies for 53098
eligible counties and groups of counties for felony offenders and 53099
a program of subsidies for eligible municipal corporations, 53100
counties, and groups of counties for misdemeanor offenders for the 53101
development, implementation, and operation of community 53102
corrections programs. Department expenditures for administration 53103
of both programs of subsidies shall not exceed ten per cent of the 53104
moneys appropriated for each of the purposes of this division. 53105

(2) Adopt and promulgate rules, under Chapter 119. of the 53106

Revised Code, providing standards for community corrections 53107
programs. The standards adopted by the department shall specify 53108
the class of offender whose degree of felony, whose community 53109
control sanction revocation history, or whose risk level as 53110
assessed by the single validated risk assessment tool described in 53111
section 5120.114 of the Revised Code, make the offender suitable 53112
for participation in community corrections programs. The rules 53113
shall make the level of subsidy provided to every county or group 53114
of counties contingent upon the number of offenders participating 53115
in community corrections programs each fiscal year who satisfy the 53116
participation suitability standards established by the department 53117
and upon the outcomes of any performance-based standards 53118
established by the department. The standards shall be designed to 53119
improve the quality and efficiency of the programs, to support 53120
evidence-based policies and practices, as defined by the 53121
department, and to reduce the number of persons committed to state 53122
correctional institutions and to county, multicounty, municipal, 53123
municipal-county, or multicounty-municipal jails or workhouses for 53124
offenses for which community control sanctions are authorized 53125
under section 2929.13, 2929.15, or 2929.25 of the Revised Code. In 53126
developing the standards, the department shall consult with, and 53127
seek the advice of, local corrections agencies, law enforcement 53128
agencies, and other public and private agencies concerned with 53129
corrections. The department shall conduct, and permit 53130
participation by local corrections planning boards established 53131
under section 5149.34 of the Revised Code and joint county 53132
corrections planning boards established under section 5149.35 of 53133
the Revised Code in, an annual review of the standards to measure 53134
their effectiveness in promoting the purposes specified in this 53135
division and shall amend or rescind any existing rule providing a 53136
standard or adopt and promulgate additional rules providing 53137
standards, under Chapter 119. of the Revised Code, if the review 53138
indicates that the standards fail to promote the purposes. 53139

(3) Accept and use any funds, goods, or services from the federal government or any other public or private source for the support of the subsidy programs established under division (A) of this section. The department may comply with any conditions and enter into any agreements that it considers necessary to obtain these funds, goods, or services.

(4) Adopt rules, in accordance with Chapter 119. of the Revised Code, and do all other things necessary to implement sections 5149.30 to 5149.37 of the Revised Code;

(5) Evaluate or provide for the evaluation of community corrections programs funded by the subsidy programs established under division (A)(1) of this section and establish means of measuring their effectiveness;

(6) Prepare an annual report evaluating the subsidy programs established under division (A)(1) of this section. The report shall include, but need not be limited to, analyses of the structure of the programs and their administration by the department, the effectiveness of the programs in the development and implementation of community corrections programs, the specific standards adopted and promulgated under division (A)(2) of this section and their effectiveness in promoting the purposes of the programs, and the findings of the evaluations conducted under division (A)(5) of this section. The director of rehabilitation and correction shall review and certify the accuracy of the report and provide copies of it, upon request, to members of the general assembly.

(7) Provide training or assistance, upon the request of a local corrections planning board or a joint county corrections planning board, to any local unit of government, subject to available resources of the department.

(B)(1) In order to be eligible for the subsidies under this

section, counties, groups of counties, and municipal corporations 53171
shall satisfy all applicable requirements under sections 2301.27 53172
and 2301.30 of the Revised Code and, except for sentencing 53173
decisions made by a court when use of the risk assessment tool is 53174
discretionary, shall utilize the single validated risk assessment 53175
tool selected by the department under section 5120.114 of the 53176
Revised Code. 53177

(2) The department shall give any county, group of counties, 53178
or municipal corporation found to be noncompliant with the 53179
requirements described in division (B)(1) of this section a 53180
reasonable period of time to come into compliance. If the 53181
noncompliant county, group of counties, or municipal corporation 53182
does not become compliant after a reasonable period of time, the 53183
department shall reduce or eliminate the subsidy granted to that 53184
county, `group of counties, or municipal corporation. 53185

Sec. 5149.311. (A) The department of rehabilitation and 53186
correction shall establish and administer the probation 53187
improvement grant and the probation incentive grant for common 53188
pleas, municipal, and county court probation departments and 53189
community-based correctional facilities that supervise offenders 53190
sentenced by courts of common pleas, municipal courts, or county 53191
courts. 53192

(B)(1) The probation improvement grant shall provide funding 53193
to common pleas, municipal, and county court probation departments 53194
and community-based correctional facilities to adopt policies and 53195
practices based on the latest research on how to reduce the number 53196
of offenders on probation supervision who violate the conditions 53197
of their supervision. 53198

(2) The department shall adopt rules for the distribution of 53199
the probation improvement grant, including both of the following: 53200

(a) The formula for the allocation of the subsidy based on 53201

the number of offenders placed on probation annually in each jurisdiction; 53202
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(b) The allocation of funds for the purpose of offsetting costs incurred by political subdivisions in relation to offenders who are prohibited from serving the term of imprisonment in an institution under the control of the department of rehabilitation and correction pursuant to division ~~(B)(3)(c)~~ (B)(3)(a) of section 2929.34 of the Revised Code. 53204
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(C)(1) The probation incentive grant shall provide a performance-based level of funding to common pleas, municipal, and county court probation departments and community-based correctional facilities that are successful in reducing the number of offenders on probation supervision whose terms of supervision are revoked. 53210
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(2) The department shall calculate annually any cost savings realized by the state from a reduction in the percentage of people who are incarcerated because their terms of supervised probation were revoked. The cost savings estimate shall be calculated for each jurisdiction served by the probation department or community-based correctional facility eligible for a grant under this section and be based on the difference from the average of such commitments from the five calendar years immediately preceding the calendar year in which application for the grant was made and the fiscal year under examination. 53216
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(3) The department shall adopt rules that specify the subsidy amount to be appropriated to common pleas, municipal, and county court probation departments and community-based correctional facilities that successfully reduce the percentage of people on probation who are incarcerated because their terms of supervision are revoked. 53226
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(D) The following stipulations apply to both the probation 53232

improvement grant and the probation incentive grant: 53233

(1) In order to be eligible for the probation improvement 53234
grant and the probation incentive grant, common pleas, municipal, 53235
and county courts must satisfy all requirements under sections 53236
2301.27 and 2301.30 of the Revised Code. Except for sentencing 53237
decisions made by a court when use of the risk assessment tool is 53238
discretionary, in order to be eligible for the probation 53239
improvement grant and the probation incentive grant, a court or 53240
community-based correctional facility must utilize the single 53241
validated risk assessment tool selected by the department of 53242
rehabilitation and correction under section 5120.114 of the 53243
Revised Code. 53244

(2) The department may deny a subsidy under this section to 53245
any applicant if the applicant fails to comply with the terms of 53246
any agreement entered into pursuant to any of the provisions of 53247
this section. 53248

(3) The department shall evaluate or provide for the 53249
evaluation of the policies, practices, and programs the common 53250
pleas, municipal, or county court probation departments or 53251
community-based correctional facilities utilize with the programs 53252
of subsidies established under this section and establish means of 53253
measuring their effectiveness. 53254

(4) The department shall specify the policies, practices, and 53255
programs for which common pleas, municipal, or county court 53256
probation departments or community-based correctional facilities 53257
may use the program subsidy and shall establish minimum standards 53258
of quality and efficiency that recipients of the subsidy must 53259
follow. The department shall give priority to supporting 53260
evidence-based policies and practices, as defined by the 53261
department. 53262

Sec. 5149.38. (A) In each ~~voluntary~~ county, ~~subject to~~ 53263

~~division (B) of this section and not later than October~~ September 53264
29~~1~~, 2017 2022, subject to divisions (B) and (E)(1) of this 53265
section, a county commissioner representing the board of county 53266
commissioners of the county, the administrative judge of the 53267
general division of the court of common pleas of the county, the 53268
sheriff of the county, and an official from any municipality 53269
operating a local correctional facility in the county to which 53270
courts of the county sentence offenders shall agree to, sign, and 53271
submit to the department of rehabilitation and correction for its 53272
approval a memorandum of understanding that does both of the 53273
following: 53274

(1) Sets forth the plans by which the county will use grant 53275
money provided to the county in state fiscal year ~~2018~~ 2023 and 53276
succeeding state fiscal years under the targeting community 53277
alternatives to prison (T-CAP) program; 53278

(2) Specifies the manner in which the county will address a 53279
per diem reimbursement of local correctional facilities for 53280
prisoners who serve a prison term in the facility pursuant to 53281
division ~~(B)(3)(e)~~ (B)(3)(a) of section 2929.34 of the Revised 53282
Code. The per diem reimbursement rate shall be the rate determined 53283
in division (F)(1) of this section and shall be specified in the 53284
memorandum. 53285

(B) Two or more ~~voluntary~~ counties may join together to 53286
jointly establish a memorandum of understanding of the type 53287
described in division (A) of this section. Not later than ~~October~~ 53288
September 29~~1~~, 20172022, subject to division (E)(1) of this 53289
section, a county commissioner from each of the affiliating 53290
~~voluntary~~ counties representing the county's board of county 53291
commissioners, the administrative judge of the general division of 53292
the court of common pleas of each affiliating ~~voluntary~~ county, 53293
the sheriff of each affiliating ~~voluntary~~ county, and an official 53294

from any municipality operating a local correctional facility in 53295
the affiliating ~~voluntary~~ counties to which courts of the counties 53296
sentence offenders shall agree to, sign, and submit to the 53297
department of rehabilitation and correction for its approval the 53298
memorandum of understanding. The memorandum of understanding shall 53299
set forth the plans by which, and specify the manner in which, the 53300
affiliating counties will complete the tasks identified in 53301
divisions (A)(1) and (2) of this section. 53302

(C) The department of rehabilitation and correction shall 53303
adopt rules establishing standards for approval of memorandums of 53304
understanding submitted to it under division (A) or (B) of this 53305
section. The department shall review the memorandums of 53306
understanding submitted to it and may require the county or 53307
counties that submit a memorandum to modify the memorandum. The 53308
director of rehabilitation and correction shall approve 53309
memorandums of understanding submitted to it under division (A) or 53310
(B) of this section that the director determines satisfy the 53311
standards adopted by the department within thirty days after 53312
receiving each memorandum submitted. 53313

(D) Any person responsible for agreeing to, signing, and 53314
submitting a memorandum of understanding under division (A) or (B) 53315
of this section may delegate the person's authority to do so to an 53316
employee of the agency, entity, or office served by the person. 53317

~~(E)~~(E)(1) If a county submitted a memorandum of understanding 53318
under division (A) of this section prior to September 1, 2022, and 53319
on September 1, 2022, the memorandum of understanding remains in 53320
effect as submitted or as revised under division (E)(2) of this 53321
section, or if counties that have affiliated as described in 53322
division (B) of this section submitted a memorandum of 53323
understanding under division (B) of this section prior to 53324
September 1, 2022, and on September 1, 2022, the memorandum of 53325
understanding remains in effect as submitted or as revised under 53326

division (E)(2) of this section, the county or affiliating 53327
counties are not required to submit a new memorandum of 53328
understanding under division (A) or (B) of this section, as those 53329
divisions exist on and after the effective date of this amendment. 53330
The persons signing the memorandum of understanding prior to 53331
September 1, 2022, or their successors in office, may revise the 53332
memorandum under division (E)(2) of this section as they determine 53333
necessary. 53334

(2) The persons signing a memorandum of understanding under 53335
division (A) or (B) of this section, or their successors in 53336
office, may revise the memorandum as they determine necessary. Any 53337
revision of the memorandum shall be signed by the parties 53338
specified in division (A) or (B) of this section and submitted to 53339
the department of rehabilitation and correction for its approval 53340
under division (C) of this section within thirty days after the 53341
beginning of the state fiscal year. 53342

(F)(1) In each county, commencing in calendar year ~~2018~~ 2023, 53343
on or before the first day of February of each calendar year the 53344
sheriff shall determine the per diem costs for the preceding 53345
calendar year for each of the local correctional facilities for 53346
the housing in the facility of prisoners who serve a term in it 53347
pursuant to division ~~(B)(3)(e)~~ (B)(3)(a) of section 2929.34 of the 53348
Revised Code. The per diem cost so determined shall apply in the 53349
calendar year in which the determination is made. 53350

(2) For each county, the per diem cost determined under 53351
division (F)(1) of this section that applies with respect to a 53352
facility in a specified calendar year shall be the per diem rate 53353
of reimbursement in that calendar year, under the targeting 53354
community alternatives to prison (T-CAP) program, for prisoners 53355
who serve a term in the facility pursuant to division ~~(B)(3)(e)~~ 53356
(B)(3)(a) of section 2929.34 of the Revised Code. 53357

(3) The per diem costs of housing determined under division 53358

(F)(1) of this section for a facility shall be the actual costs of housing the specified prisoners in the facility, on a per diem basis. 53359
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(G) As used in this section: 53362

~~(1) "Local~~ , "local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code. 53363
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~~(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.~~ 53366
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Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete at least one hundred two hours of in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following: 53368
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(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency; 53378
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(B) Assessing child safety; 53380

(C) Assessing risks; 53381

(D) Interviewing persons; 53382

(E) Investigating cases; 53383

(F) Intervening; 53384

(G) Providing services to children and their families; 53385

(H) The importance of and need for accurate data; 53386

(I) Preparation for court;	53387
(J) Maintenance of case record information;	53388
(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations;	53389 53390 53391 53392 53393 53394
(L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.	53395 53396 53397
After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.	53398 53399 53400 53401
During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the director of job and family services shall adopt pursuant to Chapter 119. of the Revised Code. The twelve hours may be in addition to the training required during the caseworker's first year of employment or part of the training required during the second year of employment.	53402 53403 53404 53405 53406 53407 53408 53409 53410
Sec. 5153.124. (A) <u>(A)(1)</u> The director of job and family services shall adopt rules as necessary to implement the training requirements of sections 5153.122 and 5153.123 of the Revised Code.	53411 53412 53413 53414
<u>(2) Not later than nine months after the effective date of the amendment to this section by H.B. 110 of the 134th general</u>	53415 53416

assembly, the director shall adopt rules in accordance with 53417
Chapter 119. of the Revised Code to establish the circumstances 53418
under which an executive director of a public children services 53419
agency may waive portions of in-service training for PCSA 53420
caseworkers, in addition to the waiver described in section 53421
5153.122 of the Revised Code. 53422

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 53423
5153.122 to 5153.127 of the Revised Code, the department of job 53424
and family services may require additional training for PCSA 53425
caseworkers and PCSA caseworker supervisors as necessary to comply 53426
with federal requirements. 53427

Sec. 5153.163. (A) As used in this section, ~~"adoptive:~~ 53428

(1) "Adoptive parent" means, as the context requires, a 53429
prospective adoptive parent or an adoptive parent. 53430

(2) "Relative" has the same meaning as in section 5101.141 of 53431
the Revised Code. 53432

(B)(1) Before a child's adoption is finalized, a public 53433
children services agency may enter into an agreement with the 53434
child's adoptive parent under which the agency, to the extent 53435
state funds are available, may make state adoption maintenance 53436
subsidy payments as needed on behalf of the child when all of the 53437
following apply: 53438

(a) The child is a child with special needs. 53439

(b) The child was placed in the adoptive home by a public 53440
children services agency or a private child placing agency and may 53441
legally be adopted. 53442

(c) The adoptive parent has the capability of providing the 53443
permanent family relationships needed by the child. 53444

(d) The needs of the child are beyond the economic resources 53445
of the adoptive parent. 53446

(e) Acceptance of the child as a member of the adoptive parent's family would not be in the child's best interest without payments on the child's behalf under this section.

(f) The gross income of the adoptive parent's family does not exceed one hundred twenty per cent of the median income of a family of the same size, including the child, as most recently determined for this state by the secretary of health and human services under Title XX of the "Social Security Act," 88 Stat. 2337, 42 U.S.C.A. 1397, as amended.

(g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.

(2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.

(3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need.

(4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance.

~~(C)(1) If, after the child's adoption is finalized, a public~~

~~children services agency considers a child residing in the county 53478
served by the agency to be in need of public care or protective 53479
services, the agency may, to the extent state funds are available 53480
for this purpose, enter into an agreement with the child's 53481
adoptive parent under which the agency may make post adoption 53482
special services subsidy payments on behalf of the child as needed 53483
when both of the following apply: 53484~~

~~(a) The child has a physical or developmental handicap or 53485
mental or emotional condition that either: 53486~~

~~(i) Existed before the adoption petition was filed; or 53487~~

~~(ii) Developed after the adoption petition was filed and can 53488
be directly attributed to factors in the child's preadoption 53489
background, medical history, or biological family's background or 53490
medical history. 53491~~

~~(b) The agency determines the expenses necessitated by the 53492
child's handicap or condition are beyond the adoptive parent's 53493
economic resources. 53494~~

~~(2) Services for which a public children services agency may 53495
make post adoption special services subsidy payments on behalf of 53496
a child under this division shall include medical, surgical, 53497
psychiatric, psychological, and counseling services, including 53498
residential treatment. 53499~~

~~(3) The department of job and family services shall establish 53500
clinical standards to evaluate a child's physical or developmental 53501
handicap or mental or emotional condition and assess the child's 53502
need for services. 53503~~

~~(4) The total dollar value of post adoption special services 53504
subsidy payments made on a child's behalf shall not exceed ten 53505
thousand dollars in any fiscal year, unless the department 53506
determines that extraordinary circumstances exist that necessitate 53507
further funding of services for the child. Under such 53508~~

~~extraordinary circumstances, the value of the payments made on the
child's behalf shall not exceed fifteen thousand dollars in any
fiscal year.~~

~~(5) The adoptive parent or parents of a child who receives
post adoption special services subsidy payments shall pay at least
five per cent of the total cost of all services provided to the
child; except that a public children services agency may waive
this requirement if the gross annual income of the child's
adoptive family is not more than two hundred per cent of the
federal poverty guideline.~~

~~(6) A public children services agency may use other sources
of revenue to make post adoption special services subsidy
payments, in addition to any state funds appropriated for that
purpose A public children services agency may enter into an
agreement with a child's relative under which the agency, to the
extent state funds are available, may provide state kinship
guardianship assistance as needed on behalf of the child when all
of the following apply:~~

~~(a) The relative has cared for the eligible child as a foster
caregiver as defined by section 5103.02 of the Revised Code for at
least six consecutive months.~~

~~(b) Both of the following apply:~~

~~(i) A juvenile court issued an order granting legal custody
of the child to the relative, or a probate court issued an order
granting guardianship of the child to the relative, and the order
is not a temporary court order.~~

~~(ii) The relative has committed to care for the child on a
permanent basis.~~

~~(c) The relative signed a state kinship guardianship
assistance agreement prior to assuming legal guardianship or legal
custody of the child.~~

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 53540
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(e) Returning the child home or adoption are not appropriate permanency options for the child. 53544
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(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 53546
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(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 53549
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(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 53552
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(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative. 53555
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(3) State kinship guardianship assistance for a child shall be provided in accordance with a state kinship guardianship assistance agreement entered into between the public children services agency and relative of the child described in division (C)(1) of this section and is subject to an annual redetermination of need. 53561
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(4) Not later than fifteen months after the effective date of this section, if the amended state plan submitted under Title IV-E to implement 42 U.S.C. 673(d) as described in section 5101.1416 of the Revised Code is approved, division (C) of this section shall 53567
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be implemented. 53571

(D) No payment shall be made under division (B) or (C) of 53572
this section on behalf of any person eighteen years of age or 53573
older beyond the end of the school year during which the person 53574
attains the age of eighteen or on behalf of a mentally or 53575
physically handicapped person twenty-one years of age or older. 53576

(E) The director of job and family services shall adopt rules 53577
in accordance with Chapter 119. of the Revised Code that are 53578
needed to implement this section. The rules shall establish all of 53579
the following: 53580

(1) The application process for all forms of assistance 53581
provided under this section; 53582

(2) The method to determine the amount of assistance payable 53583
under division (B) of this section; 53584

(3) The definition of "child with special needs" for this 53585
section; 53586

(4) The process whereby a child's continuing need for 53587
services provided under division (B) or (C) of this section is 53588
annually redetermined; 53589

~~(5) The method of determining the amount, duration, and scope 53590
of services provided to a child under division (C) of this 53591
section;~~ 53592

~~(6) Any other rule, requirement, or procedure the department 53593
considers appropriate for the implementation of this section. 53594~~

(F) The state adoption special services subsidy program 53595
ceases to exist on July 1, 2004, except that, subject to the 53596
findings of the annual redetermination process established under 53597
division (E) of this section and the child's individual need for 53598
services, a public children services agency may continue to 53599
provide state adoption special services subsidy payments on behalf 53600

of a child for whom payments were being made prior to July 1, 53601
2004. 53602

~~(G) No public children services agency shall, pursuant to 53603
either section 2151.353 or 5103.15 of the Revised Code, place or 53604
maintain a child with special needs who is in the permanent 53605
custody of an institution or association certified by the 53606
department of job and family services under section 5103.03 of the 53607
Revised Code in a setting other than with a person seeking to 53608
adopt the child, unless the agency has determined and redetermined 53609
at intervals of not more than six months the impossibility of 53610
adoption by a person who wishes to adopt children, and is approved 53611
by an agency so empowered under Chapter 5103. of the Revised Code, 53612
or by a person who wishes to adopt a child with special needs as 53613
defined in rules adopted under this section, and who is approved 53614
by an agency so empowered under Chapter 5103. of the Revised Code, 53615
including the impossibility of entering into a payment agreement 53616
with such a person. The agency so maintaining such a child shall 53617
report its reasons for doing so to the department of job and 53618
family services. 53619~~

~~The department may take any action permitted under section 53620
5101.24 of the Revised Code for an agency's failure to determine, 53621
redetermine, and report on a child's status. 53622~~

Sec. 5153.176. As used in this section, "license" has the 53623
same meaning as in section 3319.31 of the Revised Code. 53624

(A) Notwithstanding division (I)(1) of section 2151.421, 53625
section 5153.17, or any other section of the Revised Code 53626
pertaining to confidentiality, the director of a public children 53627
services agency shall promptly provide to the superintendent of 53628
public instruction information regarding the agency's 53629
investigation of a report of child abuse or neglect made pursuant 53630
to section 2151.421 of the Revised Code involving a person who 53631

holds a license ~~issued by the state board of education~~ where the 53632
agency has determined that child abuse or neglect occurred and 53633
that abuse or neglect is related to the person's duties and 53634
responsibilities under the license. The information provided by 53635
the director shall include the following: 53636

(1) A summary of the nature of the allegations contained in 53637
the report of which the person is the subject and the final 53638
disposition of the investigation conducted in response to that 53639
report or, if the investigation is not complete, the status of the 53640
investigation; 53641

(2) Upon written request of the superintendent of public 53642
instruction, the additional information described in division (C) 53643
of this section regarding the agency's investigation of the 53644
report, unless the prosecuting attorney of the county served by 53645
the agency determines that such information may not be released 53646
pursuant to division (B) of this section. 53647

(B) Upon receipt of a written request from the superintendent 53648
of public instruction for the additional information described in 53649
division (C) of this section, the director shall determine if the 53650
prosecuting attorney of the county served by the public children 53651
services agency intends to prosecute the subject of the report 53652
based on the allegations contained in the report. If the 53653
prosecuting attorney intends to prosecute the subject of the 53654
report, the prosecuting attorney shall determine the information 53655
described in division (C) of this section that may be released, if 53656
any, and shall provide the director with written authorization to 53657
release the information so determined. The director shall provide 53658
the superintendent of public instruction with any information 53659
described in division (C) of this section that the prosecuting 53660
attorney determines may be released, but in no case shall the 53661
director provide any information that the prosecuting attorney 53662
determines shall not be released. If the prosecuting attorney does 53663

not intend to prosecute the subject of the report, the prosecuting attorney shall notify the director of that fact and the director shall provide all of the information described in division (C) of this section to the superintendent of public instruction.

(C) In accordance with division (B) of this section, the director shall provide information to the superintendent of public instruction regarding the public children services agency's investigation of the report described in division (A) of this section, including, but not limited to, the following:

(1) The following information about the alleged child victim of the abuse or neglect:

(a) Full name;

(b) Date of birth;

(c) Address and telephone number;

(d) Grade level;

(e) Name and contact information of the child's parent, guardian, or legal custodian;

(f) Name and contact information of any medical facility that provided treatment to the child, if the child was injured in connection with the abuse or neglect and if that information is available;

(g) A summary of interviews with the child or, if an entity other than the agency conducted the interviews, the contact information for that entity. The summary shall include an accounting of the facts and circumstances of the alleged abuse or neglect, including, but not limited to, the time and place that the abuse or neglect occurred.

(h) Copies of any written correspondence between the child and the alleged perpetrator of the abuse or neglect that was used by the agency to determine that abuse or neglect occurred, the

release of which is not otherwise prohibited by law. 53694

(2) The following information about the alleged perpetrator 53695
of the abuse or neglect: 53696

(a) Full name; 53697

(b) Date of birth; 53698

(c) Address and telephone number; 53699

(d) Name of school district and school building that employed 53700
the alleged perpetrator at the time the report was made; 53701

(e) Name and contact information of any medical facility that 53702
provided treatment to the alleged perpetrator, if the alleged 53703
perpetrator was injured in connection with the abuse or neglect 53704
and if that information is available; 53705

(f) A summary of interviews with the alleged perpetrator or, 53706
if an entity other than the agency conducted the interviews, the 53707
contact information for that entity. The summary shall include an 53708
accounting of the facts and circumstances of the alleged abuse or 53709
neglect, including, but not limited to, the time and place that 53710
the abuse or neglect occurred. 53711

(g) Copies of any written correspondence between the alleged 53712
child victim and the alleged perpetrator that was used by the 53713
agency to determine that abuse or neglect occurred, the release of 53714
which is not otherwise prohibited by law; 53715

(h) If the alleged perpetrator has been the subject of any 53716
previous reports made pursuant to section 2151.421 of the Revised 53717
Code where the agency determined that physical or sexual child 53718
abuse occurred, a summary of the chronology of those reports; the 53719
final disposition of the investigations conducted in response to 53720
those reports, or if an investigation is not complete, the status 53721
of that investigation; and any underlying documentation concerning 53722
those reports. 53723

(3) The following information about each person, other than the alleged child victim and the alleged perpetrator, whom the agency has determined to be important to the investigation, except that the information shall not be provided about the person who made the report unless that person grants written permission for the director to release the information:

(a) Full name;

(b) Address and telephone number;

(c) If the person has been interviewed regarding the alleged abuse or neglect, a summary of those interviews or, if an entity other than the agency conducted the interviews, the contact information for such entity.

(D) Upon provision of any information to the superintendent of public instruction under this section, the director shall notify the superintendent of both of the following:

(1) That the information is confidential;

(2) That unauthorized dissemination of the information is a violation of division (I)(2) of section 2151.421 and section 3319.311 of the Revised Code and any person who permits or encourages unauthorized dissemination of the information is guilty of a misdemeanor of the fourth degree pursuant to section 2151.99 of the Revised Code.

If the director determines that the superintendent of public instruction or any person involved in the conduct of an investigation under section 3319.311 of the Revised Code committed, caused, permitted, or encouraged the unauthorized dissemination of any information provided under this section, the director shall provide written notification of the unauthorized dissemination to the prosecuting attorney of the county or the village solicitor, city director of law, or similar chief legal officer of the municipal corporation in which the unauthorized

dissemination occurred. A copy of the notification shall be 53755
retained in the investigative record maintained by the public 53756
children services agency. 53757

(E) The director shall include documentation of the 53758
information provided to the superintendent of public instruction 53759
under this section in the investigative record maintained by the 53760
public children services agency. The documentation shall include 53761
the following: 53762

(1) A list of the information provided; 53763

(2) The date the information was provided; 53764

(3) If the superintendent of public instruction designates a 53765
person to receive the information on the superintendent's behalf, 53766
the name of that person; 53767

(4) The reason for providing the information; 53768

(5) If written authorization to provide the information is 53769
required from the prosecuting attorney under division (B) of this 53770
section, a copy of that authorization. 53771

(F) No director of a public children services agency shall 53772
knowingly fail to comply with division (A) or (C) of this section. 53773

(G) A director of a public children services agency who 53774
provides information to the superintendent of public instruction 53775
in accordance with this section in good faith shall be immune from 53776
any civil or criminal liability that otherwise might be incurred 53777
or imposed for injury, death, or loss to person or property as a 53778
result of the provision of that information. 53779

(H) Notwithstanding any provision to the contrary in Chapter 53780
4117. of the Revised Code, the provisions of this section prevail 53781
over any conflicting provisions of a collective bargaining 53782
agreement or contract for employment entered into after March 30, 53783
2007. 53784

Sec. 5164.34. (A) As used in this section:	53785
(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	53786 53787
(2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	53788 53789 53790
(3) "Owner" means a person who has an ownership interest in a medicaid provider in an amount designated in rules authorized by this section.	53791 53792 53793
(4) "Person subject to the criminal records check requirement" means the following:	53794 53795
(a) A medicaid provider who is notified under division (E)(1) of this section that the provider is subject to a criminal records check;	53796 53797 53798
(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of a medicaid provider if, pursuant to division (E)(1)(a) of this section, the owner or prospective owner, officer or prospective officer, or board member or prospective board member is specified in information given to the provider under division (E)(1) of this section;	53799 53800 53801 53802 53803 53804 53805
(c) An employee or prospective employee of a medicaid provider if both of the following apply:	53806 53807
(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section.	53808 53809 53810
(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee.	53811 53812
(5) "Responsible entity" means the following:	53813

(a) With respect to a criminal records check required under 53814
this section for a medicaid provider, the department of medicaid 53815
or the department's designee; 53816

(b) With respect to a criminal records check required under 53817
this section for an owner or prospective owner, officer or 53818
prospective officer, board member or prospective board member, or 53819
employee or prospective employee of a medicaid provider, the 53820
provider. 53821

(B) This section does not apply to any of the following: 53822

(1) An individual who is subject to a criminal records check 53823
under section 3712.09, 3721.121, 5123.081, or 5123.169 of the 53824
Revised Code; 53825

(2) An individual who is subject to a database review or 53826
criminal records check under section 173.38, 173.381, ~~3701.881~~ 53827
3740.11, or 5164.342 of the Revised Code; 53828

(3) An individual who is an applicant or independent 53829
provider, both as defined in section 5164.341 of the Revised Code. 53830

(C) The department of medicaid may do any of the following: 53831

(1) Require that any medicaid provider submit to a criminal 53832
records check as a condition of obtaining or maintaining a 53833
provider agreement; 53834

(2) Require that any medicaid provider require an owner or 53835
prospective owner, officer or prospective officer, or board member 53836
or prospective board member of the provider submit to a criminal 53837
records check as a condition of being an owner, officer, or board 53838
member of the provider; 53839

(3) Require that any medicaid provider do the following: 53840

(a) If so required by rules authorized by this section, 53841
determine pursuant to a database review conducted under division 53842
(F)(1)(a) of this section whether any employee or prospective 53843

employee of the provider is included in a database; 53844

(b) Unless the provider is prohibited by division (D)(3)(b) 53845
of this section from employing the employee or prospective 53846
employee, require the employee or prospective employee to submit 53847
to a criminal records check as a condition of being an employee of 53848
the provider. 53849

(D)(1) The department or the department's designee shall deny 53850
or terminate a medicaid provider's provider agreement if the 53851
provider is a person subject to the criminal records check 53852
requirement and either of the following applies: 53853

(a) The provider fails to obtain the criminal records check 53854
after being given the information specified in division (G)(1) of 53855
this section. 53856

(b) Except as provided in rules authorized by this section, 53857
the provider is found by the criminal records check to have been 53858
convicted of or have pleaded guilty to a disqualifying offense, 53859
regardless of the date of the conviction or the date of entry of 53860
the guilty plea. 53861

(2) No medicaid provider shall permit a person to be an 53862
owner, officer, or board member of the provider if the person is a 53863
person subject to the criminal records check requirement and 53864
either of the following applies: 53865

(a) The person fails to obtain the criminal records check 53866
after being given the information specified in division (G)(1) of 53867
this section. 53868

(b) Except as provided in rules authorized by this section, 53869
the person is found by the criminal records check to have been 53870
convicted of or have pleaded guilty to a disqualifying offense, 53871
regardless of the date of the conviction or the date of entry of 53872
the guilty plea. 53873

(3) Except as provided in division (I) of this section, no
medicaid provider shall employ a person if any of the following
apply:

(a) The person has been excluded from being a medicaid
provider, a medicare provider, or provider for any other federal
health care program.

(b) If the person is subject to a database review conducted
under division (F)(1)(a) of this section, the person is found by
the database review to be included in a database and the rules
authorized by this section regarding the database review prohibit
the provider from employing a person included in the database.

(c) If the person is a person subject to the criminal records
check requirement, either of the following applies:

(i) The person fails to obtain the criminal records check
after being given the information specified in division (G)(1) of
this section.

(ii) Except as provided in rules authorized by this section,
the person is found by the criminal records check to have been
convicted of or have pleaded guilty to a disqualifying offense,
regardless of the date of the conviction or the date of entry of
the guilty plea.

(E)(1) The department or the department's designee shall
inform each medicaid provider whether the provider is subject to a
criminal records check. For providers with valid provider
agreements, the information shall be given at times designated in
rules authorized by this section. For providers applying to be
medicaid providers, the information shall be given at the time of
initial application. When the information is given, the department
or the department's designee shall specify the following:

(a) Which of the provider's owners or prospective owners,
officers or prospective officers, or board members or prospective

board members are subject to a criminal records check; 53905

(b) Which of the provider's employees or prospective 53906
employees are subject to division (C)(3) of this section. 53907

(2) At times designated in rules authorized by this section, 53908
a medicaid provider that is a person subject to the criminal 53909
records check requirement shall do the following: 53910

(a) Inform each person specified under division (E)(1)(a) of 53911
this section that the person is required to submit to a criminal 53912
records check as a condition of being an owner, officer, or board 53913
member of the provider; 53914

(b) Inform each person specified under division (E)(1)(b) of 53915
this section that the person is subject to division (C)(3) of this 53916
section. 53917

(F)(1) If a medicaid provider is a person subject to the 53918
criminal records check requirement, the department or the 53919
department's designee shall require the conduct of a criminal 53920
records check by the superintendent of the bureau of criminal 53921
identification and investigation. A medicaid provider shall 53922
require the conduct of a criminal records check by the 53923
superintendent with respect to each of the persons specified under 53924
division (E)(1)(a) of this section. With respect to each employee 53925
and prospective employee specified under division (E)(1)(b) of 53926
this section, a medicaid provider shall do the following: 53927

(a) If rules authorized by this section require the provider 53928
to conduct a database review to determine whether the employee or 53929
prospective employee is included in a database, conduct the 53930
database review in accordance with the rules; 53931

(b) Unless the provider is prohibited by division (D)(3)(b) 53932
of this section from employing the employee or prospective 53933
employee, require the conduct of a criminal records check of the 53934
employee or prospective employee by the superintendent. 53935

(2) If a person subject to the criminal records check requirement does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the person from the federal bureau of investigation in a criminal records check, the responsible entity shall require the person to request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check of the person. Even if the person presents proof of having been a resident of this state for the five-year period, the responsible entity may require that the person request that the superintendent obtain information from the federal bureau of investigation and include it in the criminal records check of the person.

(G) Criminal records checks required by this section shall be obtained as follows:

(1) The responsible entity shall provide each person subject to the criminal records check requirement information about accessing and completing the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section.

(2) The person subject to the criminal records check requirement shall submit the required form and one complete set of the person's fingerprint impressions directly to the superintendent for purposes of conducting the criminal records check using the applicable methods prescribed by division (C) of section 109.572 of the Revised Code. The person shall pay all fees associated with obtaining the criminal records check.

(3) The superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code. The

person subject to the criminal records check requirement shall 53968
instruct the superintendent to submit the report of the criminal 53969
records check directly to the responsible entity. If the 53970
department or the department's designee is not the responsible 53971
entity, the department or designee may require the responsible 53972
entity to submit the report to the department or designee. 53973

(H)(1) A medicaid provider may employ conditionally a person 53974
for whom a criminal records check is required by this section 53975
prior to obtaining the results of the criminal records check if 53976
both of the following apply: 53977

(a) The provider is not prohibited by division (D)(3)(b) of 53978
this section from employing the person. 53979

(b) The person submits a request for the criminal records 53980
check not later than five business days after the person begins 53981
conditional employment. 53982

(2) Except as provided in division (I) of this section, a 53983
medicaid provider that employs a person conditionally under 53984
division (H)(1) of this section shall terminate the person's 53985
employment if either of the following apply: 53986

(a) The results of the criminal records check request are not 53987
obtained within the period ending sixty days after the date the 53988
request is made. 53989

(b) Regardless of when the results of the criminal records 53990
check are obtained, the results indicate that the person has been 53991
convicted of or has pleaded guilty to a disqualifying offense, 53992
unless circumstances specified in rules authorized by this section 53993
exist that permit the provider to employ the person and the 53994
provider chooses to employ the person. 53995

(I) As used in this division, "behavioral health services" 53996
means alcohol and drug addiction services, mental health services, 53997
or both. 53998

A medicaid provider of behavioral health services may choose 53999
to employ a person who the provider would be prohibited by 54000
division (D)(3) of this section from employing or would be 54001
required by division (H)(2) of this section to terminate the 54002
person's employment if both of the following apply: 54003

(1) The person holds a valid health professional license 54004
issued under the Revised Code granting the person authority to 54005
provide behavioral health services, holds a valid peer recovery 54006
supporter certificate issued pursuant to rules adopted by the 54007
department of mental health and addiction services, or is in the 54008
process of obtaining such a license or certificate. 54009

(2) The provider does not submit any medicaid claims for any 54010
services the person provides. 54011

(J) The report of a criminal records check conducted pursuant 54012
to this section is not a public record for the purposes of section 54013
149.43 of the Revised Code and shall not be made available to any 54014
person other than the following: 54015

(1) The person who is the subject of the criminal records 54016
check or the person's representative; 54017

(2) The medicaid director and the staff of the department who 54018
are involved in the administration of the medicaid program; 54019

(3) The department's designee; 54020

(4) The medicaid provider who required the person who is the 54021
subject of the criminal records check to submit to the criminal 54022
records check; 54023

(5) An individual receiving or deciding whether to receive, 54024
from the subject of the criminal records check, home and 54025
community-based services available under the medicaid state plan; 54026

(6) A court, hearing officer, or other necessary individual 54027
involved in a case dealing with any of the following: 54028

(a) The denial or termination of a provider agreement;	54029
(b) A person's denial of employment, termination of employment, or employment or unemployment benefits;	54030 54031
(c) A civil or criminal action regarding the medicaid program.	54032 54033
(K) The medicaid director may adopt rules under section 5164.02 of the Revised Code to implement this section. If the director adopts such rules, the rules shall designate the times at which a criminal records check must be conducted under this section. The rules may do any of the following:	54034 54035 54036 54037 54038
(1) Designate the categories of persons who are subject to a criminal records check under this section;	54039 54040
(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of or pleaded guilty to a disqualifying offense;	54041 54042 54043 54044 54045
(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;	54046 54047 54048 54049 54050
(4) Specify all of the following:	54051
(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;	54052 54053 54054 54055
(b) The procedures for conducting the database review;	54056
(c) The databases that are to be checked;	54057
(d) The circumstances under which, except as provided in	54058

division (I) of this section, a medicaid provider is prohibited 54059
from employing a person who is found by the database review to be 54060
included in a database. 54061

Sec. 5164.342. (A) As used in this section: 54062

"Applicant" means a person who is under final consideration 54063
for employment with a waiver agency in a full-time, part-time, or 54064
temporary position that involves providing home and 54065
community-based services. 54066

"Community-based long-term care provider" means a provider as 54067
defined in section 173.39 of the Revised Code. 54068

"Community-based long-term care subcontractor" means a 54069
subcontractor as defined in section 173.38 of the Revised Code. 54070

"Criminal records check" has the same meaning as in section 54071
109.572 of the Revised Code. 54072

"Disqualifying offense" means any of the offenses listed or 54073
described in divisions (A)(3)(a) to (e) of section 109.572 of the 54074
Revised Code. 54075

"Employee" means a person employed by a waiver agency in a 54076
full-time, part-time, or temporary position that involves 54077
providing home and community-based services. 54078

"Waiver agency" means a person or government entity that 54079
provides home and community-based services under a home and 54080
community-based services medicaid waiver component administered by 54081
the department of medicaid, other than such a person or government 54082
entity that is certified under the medicare program. "Waiver 54083
agency" does not mean an independent provider as defined in 54084
section 5164.341 of the Revised Code. 54085

(B) This section does not apply to any individual who is 54086
subject to a database review or criminal records check under 54087
section ~~3701.881~~ 3740.11 of the Revised Code. If a waiver agency 54088

also is a community-based long-term care provider or 54089
community-based long-term care subcontractor, the waiver agency 54090
may provide for any of its applicants and employees who are not 54091
subject to database reviews and criminal records checks under 54092
section 173.38 of the Revised Code to undergo database reviews and 54093
criminal records checks in accordance with that section rather 54094
than this section. 54095

(C) No waiver agency shall employ an applicant or continue to 54096
employ an employee in a position that involves providing home and 54097
community-based services if any of the following apply: 54098

(1) A review of the databases listed in division (E) of this 54099
section reveals any of the following: 54100

(a) That the applicant or employee is included in one or more 54101
of the databases listed in divisions (E)(1) to (5) of this 54102
section; 54103

(b) That there is in the state nurse aide registry 54104
established under section 3721.32 of the Revised Code a statement 54105
detailing findings by the director of health that the applicant or 54106
employee abused, neglected, or exploited a long-term care facility 54107
or residential care facility resident or misappropriated property 54108
of such a resident; 54109

(c) That the applicant or employee is included in one or more 54110
of the databases, if any, specified in rules authorized by this 54111
section and the rules prohibit the waiver agency from employing an 54112
applicant or continuing to employ an employee included in such a 54113
database in a position that involves providing home and 54114
community-based services. 54115

(2) After the applicant or employee is given the information 54116
and notification required by divisions (F)(2)(a) and (b) of this 54117
section, the applicant or employee fails to do either of the 54118
following: 54119

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules authorized by this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or date of entry of the guilty plea.

(D) At the time of each applicant's initial application for employment in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall inform the applicant of both of the following:

(1) That a review of the databases listed in division (E) of this section will be conducted to determine whether the waiver agency is prohibited by division (C)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall conduct a database review of the applicant in accordance with rules authorized by this section. If rules authorized by this section so require, the

chief administrator of a waiver agency shall conduct a database 54151
review of an employee in accordance with the rules as a condition 54152
of continuing to employ the employee in a position that involves 54153
providing home and community-based services. A database review 54154
shall determine whether the applicant or employee is included in 54155
any of the following: 54156

(1) The excluded parties list system that is maintained by 54157
the United States general services administration pursuant to 54158
subpart 9.4 of the federal acquisition regulation and available at 54159
the federal web site known as the system for award management; 54160

(2) The list of excluded individuals and entities maintained 54161
by the office of inspector general in the United States department 54162
of health and human services pursuant to the "Social Security 54163
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 54164

(3) The registry of developmental disabilities employees 54165
established under section 5123.52 of the Revised Code; 54166

(4) The internet-based sex offender and child-victim offender 54167
database established under division (A)(11) of section 2950.13 of 54168
the Revised Code; 54169

(5) The internet-based database of inmates established under 54170
section 5120.66 of the Revised Code; 54171

(6) The state nurse aide registry established under section 54172
3721.32 of the Revised Code; 54173

(7) Any other database, if any, specified in rules authorized 54174
by this section. 54175

(F)(1) As a condition of employing any applicant in a 54176
position that involves providing home and community-based 54177
services, the chief administrator of a waiver agency shall require 54178
the applicant to request that the superintendent of the bureau of 54179
criminal identification and investigation conduct a criminal 54180

records check of the applicant. If rules authorized by this 54181
section so require, the chief administrator of a waiver agency 54182
shall require an employee to request that the superintendent 54183
conduct a criminal records check of the employee at times 54184
specified in the rules as a condition of continuing to employ the 54185
employee in a position that involves providing home and 54186
community-based services. However, a criminal records check is not 54187
required for an applicant or employee if the waiver agency is 54188
prohibited by division (C)(1) of this section from employing the 54189
applicant or continuing to employ the employee in a position that 54190
involves providing home and community-based services. If an 54191
applicant or employee for whom a criminal records check request is 54192
required by this section does not present proof of having been a 54193
resident of this state for the five-year period immediately prior 54194
to the date the criminal records check is requested or provide 54195
evidence that within that five-year period the superintendent has 54196
requested information about the applicant or employee from the 54197
federal bureau of investigation in a criminal records check, the 54198
chief administrator shall require the applicant or employee to 54199
request that the superintendent obtain information from the 54200
federal bureau of investigation as part of the criminal records 54201
check. Even if an applicant or employee for whom a criminal 54202
records check request is required by this section presents proof 54203
of having been a resident of this state for the five-year period, 54204
the chief administrator may require the applicant or employee to 54205
request that the superintendent include information from the 54206
federal bureau of investigation in the criminal records check. 54207

(2) The chief administrator shall provide the following to 54208
each applicant and employee for whom a criminal records check is 54209
required by this section: 54210

(a) Information about accessing, completing, and forwarding 54211
to the superintendent of the bureau of criminal identification and 54212

investigation the form prescribed pursuant to division (C)(1) of 54213
section 109.572 of the Revised Code and the standard impression 54214
sheet prescribed pursuant to division (C)(2) of that section; 54215

(b) Written notification that the applicant or employee is to 54216
instruct the superintendent to submit the completed report of the 54217
criminal records check directly to the chief administrator. 54218

(3) A waiver agency shall pay to the bureau of criminal 54219
identification and investigation the fee prescribed pursuant to 54220
division (C)(3) of section 109.572 of the Revised Code for any 54221
criminal records check required by this section. However, a waiver 54222
agency may require an applicant to pay to the bureau the fee for a 54223
criminal records check of the applicant. If the waiver agency pays 54224
the fee for an applicant, it may charge the applicant a fee not 54225
exceeding the amount the waiver agency pays to the bureau under 54226
this section if the waiver agency notifies the applicant at the 54227
time of initial application for employment of the amount of the 54228
fee and that, unless the fee is paid, the applicant will not be 54229
considered for employment. 54230

(G)(1) A waiver agency may employ conditionally an applicant 54231
for whom a criminal records check is required by this section 54232
prior to obtaining the results of the criminal records check if 54233
both of the following apply: 54234

(a) The waiver agency is not prohibited by division (C)(1) of 54235
this section from employing the applicant in a position that 54236
involves providing home and community-based services. 54237

(b) The chief administrator of the waiver agency requires the 54238
applicant to request a criminal records check regarding the 54239
applicant in accordance with division (F)(1) of this section not 54240
later than five business days after the applicant begins 54241
conditional employment. 54242

(2) A waiver agency that employs an applicant conditionally 54243

under division (G)(1) of this section shall terminate the 54244
applicant's employment if the results of the criminal records 54245
check, other than the results of any request for information from 54246
the federal bureau of investigation, are not obtained within the 54247
period ending sixty days after the date the request for the 54248
criminal records check is made. Regardless of when the results of 54249
the criminal records check are obtained, if the results indicate 54250
that the applicant has been convicted of or has pleaded guilty to 54251
a disqualifying offense, the waiver agency shall terminate the 54252
applicant's employment unless circumstances specified in rules 54253
authorized by this section exist that permit the waiver agency to 54254
employ the applicant and the waiver agency chooses to employ the 54255
applicant. 54256

(H) The report of any criminal records check conducted 54257
pursuant to a request made under this section is not a public 54258
record for the purposes of section 149.43 of the Revised Code and 54259
shall not be made available to any person other than the 54260
following: 54261

(1) The applicant or employee who is the subject of the 54262
criminal records check or the representative of the applicant or 54263
employee; 54264

(2) The chief administrator of the waiver agency that 54265
requires the applicant or employee to request the criminal records 54266
check or the administrator's representative; 54267

(3) The medicaid director and the staff of the department who 54268
are involved in the administration of the medicaid program; 54269

(4) The director of aging or the director's designee if the 54270
waiver agency also is a community-based long-term care provider or 54271
community-based long-term care subcontractor; 54272

(5) An individual receiving or deciding whether to receive 54273
home and community-based services from the subject of the criminal 54274

records check;	54275
(6) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:	54276
(a) A denial of employment of the applicant or employee;	54277
(b) Employment or unemployment benefits of the applicant or employee;	54278
(c) A civil or criminal action regarding the medicaid program.	54279
(I) The medicaid director shall adopt rules under section 5164.02 of the Revised Code to implement this section.	54280
(1) The rules may do the following:	54281
(a) Require employees to undergo database reviews and criminal records checks under this section;	54282
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements;	54283
(c) For the purpose of division (E)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section.	54284
(2) The rules shall specify all of the following:	54285
(a) The procedures for conducting a database review under this section;	54286
(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted;	54287
(c) If the rules specify other databases to be checked as part of a database review, the circumstances under which a waiver agency is prohibited from employing an applicant or continuing to	54288
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employ an employee who is found by the database review to be 54304
included in one or more of those databases; 54305

(d) The circumstances under which a waiver agency may employ 54306
an applicant or employee who is found by a criminal records check 54307
required by this section to have been convicted of or have pleaded 54308
guilty to a disqualifying offense. 54309

(J) The amendments made by H.B. 487 of the 129th general 54310
assembly to this section do not preclude the department of 54311
medicaid from taking action against a person for failure to comply 54312
with former division (H) of this section as that division existed 54313
on the day preceding January 1, 2013. 54314

Sec. 5165.01. As used in this chapter: 54315

(A) "Affiliated operator" means an operator affiliated with 54316
either of the following: 54317

(1) The exiting operator for whom the affiliated operator is 54318
to assume liability for the entire amount of the exiting 54319
operator's debt under the medicaid program or the portion of the 54320
debt that represents the franchise permit fee the exiting operator 54321
owes; 54322

(2) The entering operator involved in the change of operator 54323
with the exiting operator specified in division (A)(1) of this 54324
section. 54325

(B) "Allowable costs" are a nursing facility's costs that the 54326
department of medicaid determines are reasonable. Fines paid under 54327
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 54328
Code are not allowable costs. 54329

(C) "Ancillary and support costs" means all reasonable costs 54330
incurred by a nursing facility other than direct care costs, tax 54331
costs, or capital costs. "Ancillary and support costs" includes, 54332
but is not limited to, costs of activities, social services, 54333

pharmacy consultants, habilitation supervisors, qualified 54334
intellectual disability professionals, program directors, medical 54335
and habilitation records, program supplies, incontinence supplies, 54336
food, enterals, dietary supplies and personnel, laundry, 54337
housekeeping, security, administration, medical equipment, 54338
utilities, liability insurance, bookkeeping, purchasing 54339
department, human resources, communications, travel, dues, license 54340
fees, subscriptions, home office costs not otherwise allocated, 54341
legal services, accounting services, minor equipment, maintenance 54342
and repairs, help-wanted advertising, informational advertising, 54343
start-up costs, organizational expenses, other interest, property 54344
insurance, employee training and staff development, employee 54345
benefits, payroll taxes, and workers' compensation premiums or 54346
costs for self-insurance claims and related costs as specified in 54347
rules adopted under section 5165.02 of the Revised Code, for 54348
personnel listed in this division. "Ancillary and support costs" 54349
also means the cost of equipment, including vehicles, acquired by 54350
operating lease executed before December 1, 1992, if the costs are 54351
reported as administrative and general costs on the nursing 54352
facility's cost report for the cost reporting period ending 54353
December 31, 1992. 54354

(D) "Applicable calendar year" means the calendar year 54355
immediately preceding the calendar year that precedes the first of 54356
the state fiscal years for which a rebasing is conducted. 54357

~~(E)(1)~~(E) For purposes of calculating a critical access 54358
nursing facility's occupancy rate and utilization rate under this 54359
chapter, "as of the last day of the calendar year" refers to the 54360
occupancy and utilization rates for the entire cost reporting 54361
period for which the nursing facility participated in the medicaid 54362
program during the calendar year and identified in the cost report 54363
filed under section 5165.10 of the Revised Code. 54364

(F)(1) "Capital costs" means the actual expense incurred by a 54365

nursing facility for all of the following:	54366
(a) Depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:	54367
(i) Buildings;	54368
(ii) Building improvements;	54369
(iii) Except as provided in division (C) <u>(D)</u> of this section, equipment;	54370
(iv) Transportation equipment.	54371
(b) Amortization and interest on land improvements and leasehold improvements;	54372
(c) Amortization of financing costs;	54373
(d) Lease and rent of land, buildings, and equipment.	54374
(2) The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	54375
(F) <u>(G)</u> "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	54376
(G) <u>(H)</u> "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.	54377
(H) <u>(I)</u> "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.	54378
(1) Actions that constitute a change of operator include the following:	54379
(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or	54380
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corporation from a sole proprietorship;	54395
(b) A transfer of all the exiting operator's ownership interest in the operation of the nursing facility to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing facility is also transferred;	54396 54397 54398 54399 54400
(c) A lease of the nursing facility to the entering operator or the exiting operator's termination of the exiting operator's lease;	54401 54402 54403
(d) If the exiting operator is a partnership, dissolution of the partnership;	54404 54405
(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:	54406 54407
(i) The change in composition does not cause the partnership's dissolution under state law.	54408 54409
(ii) The partners agree that the change in composition does not constitute a change in operator.	54410 54411
(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.	54412 54413 54414 54415
(2) The following, alone, do not constitute a change of operator:	54416 54417
(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions;	54418 54419 54420
(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator;	54421 54422 54423 54424

(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

~~(I)~~(J) "Cost center" means the following:

(1) Ancillary and support costs;

(2) Capital costs;

(3) Direct care costs;

(4) Tax costs.

~~(J)~~(K) "Custom wheelchair" means a wheelchair to which both of the following apply:

(1) It has been measured, fitted, or adapted in consideration of either of the following:

(a) The body size or disability of the individual who is to use the wheelchair;

(b) The individual's period of need for, or intended use of, the wheelchair.

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair.

~~(K)~~~~(1)~~(L)(1) "Date of licensure" means the following:

(a) In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed;

(b) In the case of a nursing facility that was not required

by law to be licensed as a nursing home when it originally began 54454
to be operated as a nursing home, the date it first began to be 54455
operated as a nursing home, regardless of the date the nursing 54456
facility was first licensed as a nursing home. 54457

(2) If, after a nursing facility's original date of 54458
licensure, more nursing home beds are added to the nursing 54459
facility, the nursing facility has a different date of licensure 54460
for the additional beds. This does not apply, however, to 54461
additional beds when both of the following apply: 54462

(a) The additional beds are located in a part of the nursing 54463
facility that was constructed at the same time as the continuing 54464
beds already located in that part of the nursing facility; 54465

(b) The part of the nursing facility in which the additional 54466
beds are located was constructed as part of the nursing facility 54467
at a time when the nursing facility was not required by law to be 54468
licensed as a nursing home. 54469

(3) The definition of "date of licensure" in this section 54470
applies in determinations of nursing facilities' medicaid payment 54471
rates but does not apply in determinations of nursing facilities' 54472
franchise permit fees. 54473

~~(L)~~(M) "Desk-reviewed" means that a nursing facility's costs 54474
as reported on a cost report submitted under section 5165.10 of 54475
the Revised Code have been subjected to a desk review under 54476
section 5165.108 of the Revised Code and preliminarily determined 54477
to be allowable costs. 54478

~~(M)~~(N) "Direct care costs" means all of the following costs 54479
incurred by a nursing facility: 54480

(1) Costs for registered nurses, licensed practical nurses, 54481
and nurse aides employed by the nursing facility; 54482

(2) Costs for direct care staff, administrative nursing 54483

staff, medical directors, respiratory therapists, and except as	54484
provided in division (M)(8) <u>(N)(8)</u> of this section, other persons	54485
holding degrees qualifying them to provide therapy;	54486
(3) Costs of purchased nursing services;	54487
(4) Costs of quality assurance;	54488
(5) Costs of training and staff development, employee	54489
benefits, payroll taxes, and workers' compensation premiums or	54490
costs for self-insurance claims and related costs as specified in	54491
rules adopted under section 5165.02 of the Revised Code, for	54492
personnel listed in divisions (M)(1) <u>(N)(1)</u> , (2), (4), and (8) of	54493
this section;	54494
(6) Costs of consulting and management fees related to direct	54495
care;	54496
(7) Allocated direct care home office costs;	54497
(8) Costs of habilitation staff (other than habilitation	54498
supervisors), medical supplies, emergency oxygen, over-the-counter	54499
pharmacy products, physical therapists, physical therapy	54500
assistants, occupational therapists, occupational therapy	54501
assistants, speech therapists, audiologists, habilitation	54502
supplies, and universal precautions supplies;	54503
(9) Costs of wheelchairs other than the following:	54504
(a) Custom wheelchairs;	54505
(b) Repairs to and replacements of custom wheelchairs and	54506
parts that are made in accordance with the instructions of the	54507
physician of the individual who uses the custom wheelchair.	54508
(10) Costs of other direct-care resources that are specified	54509
as direct care costs in rules adopted under section 5165.02 of the	54510
Revised Code.	54511
(N)(O) "Dual eligible individual" has the same meaning as in	54512
section 5160.01 of the Revised Code.	54513

~~(O)~~(P) "Effective date of a change of operator" means the day 54514
the entering operator becomes the operator of the nursing 54515
facility. 54516

~~(P)~~(Q) "Effective date of a facility closure" means the last 54517
day that the last of the residents of the nursing facility resides 54518
in the nursing facility. 54519

~~(Q)~~(R) "Effective date of an involuntary termination" means 54520
the date the department of medicaid terminates the operator's 54521
provider agreement for the nursing facility. 54522

~~(R)~~(S) "Effective date of a voluntary withdrawal of 54523
participation" means the day the nursing facility ceases to accept 54524
new medicaid residents other than the individuals who reside in 54525
the nursing facility on the day before the effective date of the 54526
voluntary withdrawal of participation. 54527

~~(S)~~(T) "Entering operator" means the person or government 54528
entity that will become the operator of a nursing facility when a 54529
change of operator occurs or following an involuntary termination. 54530

~~(T)~~(U) "Exiting operator" means any of the following: 54531

(1) An operator that will cease to be the operator of a 54532
nursing facility on the effective date of a change of operator; 54533

(2) An operator that will cease to be the operator of a 54534
nursing facility on the effective date of a facility closure; 54535

(3) An operator of a nursing facility that is undergoing or 54536
has undergone a voluntary withdrawal of participation; 54537

(4) An operator of a nursing facility that is undergoing or 54538
has undergone an involuntary termination. 54539

~~(U)~~~~(1)~~(V)(1) Subject to divisions ~~(U)~~~~(2)~~(V)(2) and (3) of 54540
this section, "facility closure" means either of the following: 54541

(a) Discontinuance of the use of the building, or part of the 54542
building, that houses the facility as a nursing facility that 54543

results in the relocation of all of the nursing facility's residents; 54544
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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use. 54546
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(2) A facility closure occurs regardless of any of the following: 54552
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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility; 54554
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(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 54558
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(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 54560
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(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 54564
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(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 54567
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~~(V)~~(W) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 54572
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~~(W)~~(X) "Inpatient days" means both of the following: 54574

(1) All days during which a resident, regardless of payment 54575
source, occupies a licensed bed in a nursing facility ~~that is~~ 54576
~~included in the nursing facility's medicaid-certified capacity;~~ 54577

(2) Fifty per cent of the days for which payment is made 54578
under section 5165.34 of the Revised Code. 54579

~~(X)~~(Y) "Involuntary termination" means the department of 54580
medicaid's termination of the operator's provider agreement for 54581
the nursing facility when the termination is not taken at the 54582
operator's request. 54583

~~(Y)~~(Z) "Low resource utilization resident" means a medicaid 54584
recipient residing in a nursing facility who, for purposes of 54585
calculating the nursing facility's medicaid payment rate for 54586
direct care costs, is placed in either of the two lowest resource 54587
utilization groups, excluding any resource utilization group that 54588
is a default group used for residents with incomplete assessment 54589
data. 54590

~~(Z)~~(AA) "Maintenance and repair expenses" means a nursing 54591
facility's expenditures that are necessary and proper to maintain 54592
an asset in a normally efficient working condition and that do not 54593
extend the useful life of the asset two years or more. 54594
"Maintenance and repair expenses" includes but is not limited to 54595
the costs of ordinary repairs such as painting and wallpapering. 54596

~~(AA)~~(BB) "Medicaid-certified capacity" means the number of a 54597
nursing facility's beds that are certified for participation in 54598
medicaid as nursing facility beds. 54599

~~(BB)~~(CC) "Medicaid days" means both of the following: 54600

(1) All days during which a resident who is a medicaid 54601
recipient eligible for nursing facility services occupies a bed in 54602
a nursing facility that is included in the nursing facility's 54603

medicaid-certified capacity; 54604

(2) Fifty per cent of the days for which payment is made 54605
under section 5165.34 of the Revised Code. 54606

~~(CC)~~(1)(DD)(1) "New nursing facility" means a nursing 54607
facility for which the provider obtains an initial provider 54608
agreement following medicaid certification of the nursing facility 54609
by the director of health, including such a nursing facility that 54610
replaces one or more nursing facilities for which a provider 54611
previously held a provider agreement. 54612

(2) "New nursing facility" does not mean a nursing facility 54613
for which the entering operator seeks a provider agreement 54614
pursuant to section 5165.511 or 5165.512 or (pursuant to section 54615
5165.515) section 5165.07 of the Revised Code. 54616

~~(DD)~~(EE) "Nursing facility" has the same meaning as in the 54617
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 54618

~~(EE)~~(FF) "Nursing facility services" has the same meaning as 54619
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 54620

~~(FF)~~(GG) "Nursing home" has the same meaning as in section 54621
3721.01 of the Revised Code. 54622

~~(GG)~~(HH) "Occupancy rate" means the percentage of licensed 54623
beds that, regardless of payer source, are either of the 54624
following: 54625

(1) Reserved for use under section 5165.34 of the Revised 54626
Code; 54627

(2) Actually being used. 54628

(II) "Operator" means the person or government entity 54629
responsible for the daily operating and management decisions for a 54630
nursing facility. 54631

~~(HH)~~(1)(JJ)(1) "Owner" means any person or government entity 54632
that has at least five per cent ownership or interest, either 54633

directly, indirectly, or in any combination, in any of the 54634
following regarding a nursing facility: 54635

(a) The land on which the nursing facility is located; 54636

(b) The structure in which the nursing facility is located; 54637

(c) Any mortgage, contract for deed, or other obligation 54638
secured in whole or in part by the land or structure on or in 54639
which the nursing facility is located; 54640

(d) Any lease or sublease of the land or structure on or in 54641
which the nursing facility is located. 54642

(2) "Owner" does not mean a holder of a debenture or bond 54643
related to the nursing facility and purchased at public issue or a 54644
regulated lender that has made a loan related to the nursing 54645
facility unless the holder or lender operates the nursing facility 54646
directly or through a subsidiary. 54647

~~(II)~~(KK) "Per diem" means a nursing facility's actual, 54648
allowable costs in a given cost center in a cost reporting period, 54649
divided by the nursing facility's inpatient days for that cost 54650
reporting period. 54651

~~(JJ)~~(LL) "Provider" means an operator with a provider 54652
agreement. 54653

~~(KK)~~(MM) "Provider agreement" means a provider agreement, as 54654
defined in section 5164.01 of the Revised Code, that is between 54655
the department of medicaid and the operator of a nursing facility 54656
for the provision of nursing facility services under the medicaid 54657
program. 54658

~~(LL)~~(NN) "Purchased nursing services" means services that are 54659
provided in a nursing facility by registered nurses, licensed 54660
practical nurses, or nurse aides who are not employees of the 54661
nursing facility. 54662

~~(MM)~~(OO) "Reasonable" means that a cost is an actual cost 54663

that is appropriate and helpful to develop and maintain the 54664
operation of patient care facilities and activities, including 54665
normal standby costs, and that does not exceed what a prudent 54666
buyer pays for a given item or services. Reasonable costs may vary 54667
from provider to provider and from time to time for the same 54668
provider. 54669

~~(NN)~~(PP) "Rebasing" means a redetermination of each of the 54670
following using information from cost reports for an applicable 54671
calendar year that is later than the applicable calendar year used 54672
for the previous rebasing: 54673

(1) Each peer group's rate for ancillary and support costs as 54674
determined pursuant to division (C) of section 5165.16 of the 54675
Revised Code; 54676

(2) Each peer group's rate for capital costs as determined 54677
pursuant to division (C) of section 5165.17 of the Revised Code; 54678

(3) Each peer group's cost per case-mix unit as determined 54679
pursuant to division (C) of section 5165.19 of the Revised Code; 54680

(4) Each nursing facility's rate for tax costs as determined 54681
pursuant to section 5165.21 of the Revised Code. 54682

~~(OO)~~(OO) "Related party" means an individual or organization 54683
that, to a significant extent, has common ownership with, is 54684
associated or affiliated with, has control of, or is controlled 54685
by, the provider. 54686

(1) An individual who is a relative of an owner is a related 54687
party. 54688

(2) Common ownership exists when an individual or individuals 54689
possess significant ownership or equity in both the provider and 54690
the other organization. Significant ownership or equity exists 54691
when an individual or individuals possess five per cent ownership 54692
or equity in both the provider and a supplier. Significant 54693

ownership or equity is presumed to exist when an individual or 54694
individuals possess ten per cent ownership or equity in both the 54695
provider and another organization from which the provider 54696
purchases or leases real property. 54697

(3) Control exists when an individual or organization has the 54698
power, directly or indirectly, to significantly influence or 54699
direct the actions or policies of an organization. 54700

(4) An individual or organization that supplies goods or 54701
services to a provider shall not be considered a related party if 54702
all of the following conditions are met: 54703

(a) The supplier is a separate bona fide organization. 54704

(b) A substantial part of the supplier's business activity of 54705
the type carried on with the provider is transacted with others 54706
than the provider and there is an open, competitive market for the 54707
types of goods or services the supplier furnishes. 54708

(c) The types of goods or services are commonly obtained by 54709
other nursing facilities from outside organizations and are not a 54710
basic element of patient care ordinarily furnished directly to 54711
patients by nursing facilities. 54712

(d) The charge to the provider is in line with the charge for 54713
the goods or services in the open market and no more than the 54714
charge made under comparable circumstances to others by the 54715
supplier. 54716

~~(PP)~~ (RR) "Relative of owner" means an individual who is 54717
related to an owner of a nursing facility by one of the following 54718
relationships: 54719

(1) Spouse; 54720

(2) Natural parent, child, or sibling; 54721

(3) Adopted parent, child, or sibling; 54722

(4) Stepparent, stepchild, stepbrother, or stepsister; 54723

(5) Father-in-law, mother-in-law, son-in-law, 54724
daughter-in-law, brother-in-law, or sister-in-law; 54725

(6) Grandparent or grandchild; 54726

(7) Foster caregiver, foster child, foster brother, or foster 54727
sister. 54728

~~(QQ)~~(SS) "Residents' rights advocate" has the same meaning as 54729
in section 3721.10 of the Revised Code. 54730

~~(RR)~~(TT) "Skilled nursing facility" has the same meaning as 54731
in the "Social Security Act," section 1819(a), 42 U.S.C. 54732
1395i-3(a). 54733

~~(SS)~~(UU) "State fiscal year" means the fiscal year of this 54734
state, as specified in section 9.34 of the Revised Code. 54735

~~(TT)~~(VV) "Sponsor" has the same meaning as in section 3721.10 54736
of the Revised Code. 54737

~~(UU)~~(WW) "Tax costs" means the costs of taxes imposed under 54738
Chapter 5751. of the Revised Code, real estate taxes, personal 54739
property taxes, and corporate franchise taxes. 54740

~~(VV)~~(XX) "Title XIX" means Title XIX of the "Social Security 54741
Act," 42 U.S.C. 1396 et seq. 54742

~~(WW)~~(YY) "Title XVIII" means Title XVIII of the "Social 54743
Security Act," 42 U.S.C. 1395 et seq. 54744

~~(XX)~~ (ZZ) "Voluntary withdrawal of participation" means an 54745
operator's voluntary election to terminate the participation of a 54746
nursing facility in the medicaid program but to continue to 54747
provide service of the type provided by a nursing facility. 54748

Sec. 5165.15. Except as otherwise provided by sections 54749
5165.151 to 5165.157 and 5165.34 of the Revised Code, the total 54750
per medicaid day payment rate that the department of medicaid 54751
shall pay a nursing facility provider for nursing facility 54752

services the provider's nursing facility provides during a state 54753
fiscal year shall be determined as follows: 54754

(A) Determine the sum of all of the following: 54755

(1) The per medicaid day payment rate for ancillary and 54756
support costs determined for the nursing facility under section 54757
5165.16 of the Revised Code; 54758

(2) The per medicaid day payment rate for capital costs 54759
determined for the nursing facility under section 5165.17 of the 54760
Revised Code; 54761

(3) The per medicaid day payment rate for direct care costs 54762
determined for the nursing facility under section 5165.19 of the 54763
Revised Code; 54764

(4) The per medicaid day payment rate for tax costs 54765
determined for the nursing facility under section 5165.21 of the 54766
Revised Code; 54767

(5) If the nursing facility qualifies as a critical access 54768
nursing facility, the nursing facility's critical access incentive 54769
payment paid under section 5165.23 of the Revised Code. 54770

(B) To the sum determined under division (A) of this section, 54771
add sixteen dollars and forty-four cents. 54772

(C) From the sum determined under division (B) of this 54773
section, subtract one dollar and seventy-nine cents. 54774

~~(D) To the difference determined under division (C) of this 54775
section, add the per medicaid day quality payment rate determined 54776
for the nursing facility under section 5165.25 of the Revised 54777
Code. 54778~~

~~(E)~~ To the sum determined under division ~~(D)~~(C) of this 54779
section, add, for state fiscal year ~~2021~~ 2022 and for state fiscal 54780
year 2023, the per medicaid day quality incentive payment rate 54781

determined for the nursing facility under section 5165.26 of the Revised Code. 54782
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Sec. 5165.151. (A) The total per medicaid day payment rate 54784
determined under section 5165.15 of the Revised Code shall not be 54785
the initial rate for nursing facility services provided by a new 54786
nursing facility. Instead, the initial total per medicaid day 54787
payment rate for nursing facility services provided by a new 54788
nursing facility shall be determined in the following manner: 54789

(1) The initial rate for ancillary and support costs shall be 54790
the rate for the new nursing facility's peer group determined 54791
under division (C) of section 5165.16 of the Revised Code. 54792

(2) The initial rate for capital costs shall be the rate for 54793
the new nursing facility's peer group determined under division 54794
(C) of section 5165.17 of the Revised Code; 54795

(3) The initial rate for direct care costs shall be the 54796
product of the cost per case-mix unit determined under division 54797
(C) of section 5165.19 of the Revised Code for the new nursing 54798
facility's peer group and the new nursing facility's case-mix 54799
score determined under division (B) of this section. 54800

(4) The initial rate for tax costs shall be the following: 54801

(a) If the provider of the new nursing facility submits to 54802
the department of medicaid the nursing facility's projected tax 54803
costs for the calendar year in which the provider obtains an 54804
initial provider agreement for the new nursing facility, an amount 54805
determined by dividing those projected tax costs by the number of 54806
inpatient days the nursing facility would have for that calendar 54807
year if its occupancy rate were one hundred per cent; 54808

(b) If division (A)(4)(a) of this section does not apply, the 54809
median rate for tax costs for the new nursing facility's peer 54810
group in which the nursing facility is placed under division (B) 54811

of section 5165.16 of the Revised Code. 54812

~~(5) The quality payment shall be the mean quality payment rate determined for nursing facilities under section 5165.25 of the Revised Code.~~ 54813
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~~(6)~~ Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to ~~(5)~~(4) of this section. 54816
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(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 54819
54820

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 54821
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 54826
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(C) Subject to division (D) of this section, the department of medicaid shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter. 54834
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(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 54838
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5165.192 of the Revised Code after the new nursing facility 54843
submits its first two quarterly assessment data that qualify for 54844
use in calculating a case-mix score in accordance with rules 54845
authorized by section 5165.192 of the Revised Code. If the new 54846
nursing facility's quarterly submissions do not qualify for use in 54847
calculating a case-mix score, the department shall continue to use 54848
the median annual average case-mix score for the new nursing 54849
facility's peer group in lieu of the new nursing facility's 54850
semiannual case-mix score until the new nursing facility submits 54851
two consecutive quarterly assessment data that qualify for use in 54852
calculating a case-mix score. 54853

Sec. 5165.16. (A) The department of medicaid shall determine 54854
each nursing facility's per medicaid day payment rate for 54855
ancillary and support costs. A nursing facility's rate shall be 54856
the rate determined under division (C) of this section for the 54857
nursing facility's peer group. 54858

(B) For the purpose of determining nursing facilities' rates 54859
for ancillary and support costs, the department shall establish 54860
six peer groups composed as follows: 54861

(1) Each nursing facility located in any of the following 54862
counties shall be placed in peer group one or two: Brown, Butler, 54863
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 54864
located in any of those counties that has fewer than one hundred 54865
beds shall be placed in peer group one. Each nursing facility 54866
located in any of those counties that has one hundred or more beds 54867
shall be placed in peer group two. 54868

(2) Each nursing facility located in any of the following 54869
counties shall be placed in peer group three or four: Allen, 54870
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 54871
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 54872
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 54873

Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 54874
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 54875
nursing facility located in any of those counties that has fewer 54876
than one hundred beds shall be placed in peer group three. Each 54877
nursing facility located in any of those counties that has one 54878
hundred or more beds shall be placed in peer group four. 54879

(3) Each nursing facility located in any of the following 54880
counties shall be placed in peer group five or six: Adams, 54881
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 54882
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 54883
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 54884
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 54885
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 54886
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 54887
and Wyandot. Each nursing facility located in any of those 54888
counties that has fewer than one hundred beds shall be placed in 54889
peer group five. Each nursing facility located in any of those 54890
counties that has one hundred or more beds shall be placed in peer 54891
group six. 54892

(C)(1) The department shall determine the rate for ancillary 54893
and support costs for each peer group established under division 54894
(B) of this section. The rate for ancillary and support costs 54895
determined under this division for a peer group shall be used for 54896
subsequent years until the department conducts a rebasing. To 54897
determine a peer group's rate for ancillary and support costs, the 54898
department shall do all of the following: 54899

(a) ~~Subject to division (C)(2) of this section, determine~~ 54900
Determine the rate for ancillary and support costs for each 54901
nursing facility in the peer group for the applicable calendar 54902
year by using the greater of the nursing facility's actual 54903
inpatient days for the applicable calendar year or the inpatient 54904
days the nursing facility would have had for the applicable 54905

calendar year if its occupancy rate had been ninety per cent; 54906

(b) Subject to division ~~(C)(3)~~ (C)(2) of this section, 54907
identify which nursing facility in the peer group is at the 54908
twenty-fifth percentile of the rate for ancillary and support 54909
costs for the applicable calendar year determined under division 54910
(C)(1)(a) of this section; 54911

(c) Multiply the rate for ancillary and support costs 54912
determined under division (C)(1)(a) of this section for the 54913
nursing facility identified under division (C)(1)(b) of this 54914
section by the rate of inflation for the eighteen-month period 54915
beginning on the first day of July of the applicable calendar year 54916
and ending the last day of December of the calendar year 54917
immediately following the applicable calendar year using the 54918
following: 54919

(i) Except as provided in division (C)(1)(c)(ii) of this 54920
section, the consumer price index for all items for all urban 54921
consumers for the midwest region, published by the United States 54922
bureau of labor statistics; 54923

(ii) If the United States bureau of labor statistics ceases 54924
to publish the index specified in division (C)(1)(c)(i) of this 54925
section, the index the bureau subsequently publishes that covers 54926
urban consumers' prices for items for the region that includes 54927
this state. 54928

~~(2) For the purpose of determining a nursing facility's 54929
occupancy rate under division (C)(1)(a) of this section, the 54930
department shall include any beds that the nursing facility 54931
removes from its medicaid certified capacity unless the nursing 54932
facility also removes the beds from its licensed bed capacity. 54933~~

~~(3)~~ In making the identification under division (C)(1)(b) of 54934
this section, the department shall exclude both of the following: 54935

(a) Nursing facilities that participated in the medicaid 54936

program under the same provider for less than twelve months in the applicable calendar year; 54937
54938

(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem ancillary and support cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 54939
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~~(4)~~(3) The department shall not redetermine a peer group's rate for ancillary and support costs under this division based on additional information that it receives after the rate is determined. The department shall redetermine a peer group's rate for ancillary and support costs only if the department made an error in determining the rate based on information available to the department at the time of the original determination. 54944
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Sec. 5165.17. (A) The department of medicaid shall determine each nursing facility's per medicaid day payment rate for capital costs. A nursing facility's rate shall be the rate determined under division (C) of this section for the nursing facility's peer group. 54951
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(B) For the purpose of determining nursing facilities' rates for capital costs, the department shall establish six peer groups. 54956
54957

(1) Each nursing facility located in any of the following counties shall be placed in peer group one or two: Brown, Butler, Clermont, Clinton, Hamilton, and Warren. Each nursing facility located in any of those counties that has fewer than one hundred beds shall be placed in peer group one. Each nursing facility located in any of those counties that has one hundred or more beds shall be placed in peer group two. 54958
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(2) Each nursing facility located in any of the following counties shall be placed in peer group three or four: Allen, 54965
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Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 54967
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 54968
Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 54969
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 54970
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 54971
nursing facility located in any of those counties that has fewer 54972
than one hundred beds shall be placed in peer group three. Each 54973
nursing facility located in any of those counties that has one 54974
hundred or more beds shall be placed in peer group four. 54975

(3) Each nursing facility located in any of the following 54976
counties shall be placed in peer group five or six: Adams, 54977
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 54978
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 54979
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 54980
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 54981
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 54982
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 54983
and Wyandot. Each nursing facility located in any of those 54984
counties that has fewer than one hundred beds shall be placed in 54985
peer group five. Each nursing facility located in any of those 54986
counties that has one hundred or more beds shall be placed in peer 54987
group six. 54988

(C)(1) The department shall determine the rate for capital 54989
costs for each peer group established under division (B) of this 54990
section. The rate for capital costs determined under this division 54991
for a peer group shall be used for subsequent years until the 54992
department conducts a rebasing. A peer group's rate for capital 54993
costs shall be the rate for capital costs for the nursing facility 54994
in the peer group that is at the twenty-fifth percentile of the 54995
rate for capital costs for the applicable calendar year. 54996

(2) To identify the nursing facility in a peer group that is 54997
at the twenty-fifth percentile of the rate for capital costs for 54998

the applicable calendar year, the department shall do both of the following: 54999
55000

(a) ~~Subject to division (C)(3) of this section, use~~ Use the 55001
greater of each nursing facility's actual inpatient days for the 55002
applicable calendar year or the inpatient days the nursing 55003
facility would have had for the applicable calendar year if its 55004
occupancy rate had been one hundred per cent; 55005

(b) Exclude both of the following: 55006

(i) Nursing facilities that participated in the medicaid 55007
program under the same provider for less than twelve months in the 55008
applicable calendar year; 55009

(ii) Nursing facilities whose capital costs are more than one 55010
standard deviation from the mean desk-reviewed, actual, allowable, 55011
per diem capital cost for all nursing facilities in the nursing 55012
facility's peer group for the applicable calendar year. 55013

(3) ~~For the purpose of determining a nursing facility's~~ 55014
~~occupancy rate under division (C)(2)(a) of this section, the~~ 55015
~~department shall include any beds that the nursing facility~~ 55016
~~removes from its medicaid certified capacity after June 30, 2005,~~ 55017
~~unless the nursing facility also removes the beds from its~~ 55018
~~licensed bed capacity.~~ 55019

~~(4)~~ The department shall not redetermine a peer group's rate 55020
for capital costs under this division based on additional 55021
information that it receives after the rate is determined. The 55022
department shall redetermine a peer group's rate for capital costs 55023
only if the department made an error in determining the rate based 55024
on information available to the department at the time of the 55025
original determination. 55026

(D) Buildings shall be depreciated using the straight line 55027
method over forty years or over a different period approved by the 55028
department. Components and equipment shall be depreciated using 55029

the straight-line method over a period designated in rules adopted 55030
under section 5165.02 of the Revised Code, consistent with the 55031
guidelines of the American hospital association, or over a 55032
different period approved by the department. Any rules authorized 55033
by this division that specify useful lives of buildings, 55034
components, or equipment apply only to assets acquired on or after 55035
July 1, 1993. Depreciation for costs paid or reimbursed by any 55036
government agency shall not be included in capital costs unless 55037
that part of the payment under this chapter is used to reimburse 55038
the government agency. 55039

(E) The capital cost basis of nursing facility assets shall 55040
be determined in the following manner: 55041

(1) Except as provided in division (E)(3) of this section, 55042
for purposes of calculating the rates to be paid for facilities 55043
with dates of licensure on or before June 30, 1993, the capital 55044
cost basis of each asset shall be equal to the desk-reviewed, 55045
actual, allowable, capital cost basis that is listed on the 55046
facility's cost report for the calendar year preceding the state 55047
fiscal year during which the rate will be paid. 55048

(2) For facilities with dates of licensure after June 30, 55049
1993, the capital cost basis shall be determined in accordance 55050
with the principles of the medicare program, except as otherwise 55051
provided in this chapter. 55052

(3) Except as provided in division (E)(4) of this section, if 55053
a provider transfers an interest in a facility to another provider 55054
after June 30, 1993, there shall be no increase in the capital 55055
cost basis of the asset if the providers are related parties or 55056
the provider to which the interest is transferred authorizes the 55057
provider that transferred the interest to continue to operate the 55058
facility under a lease, management agreement, or other 55059
arrangement. If the previous sentence does not prohibit the 55060
adjustment of the capital cost basis under this division, the 55061

basis of the asset shall be adjusted by one-half of the change in 55062
the consumer price index for all items for all urban consumers, as 55063
published by the United States bureau of labor statistics, during 55064
the time that the transferor held the asset. 55065

(4) If a provider transfers an interest in a facility to 55066
another provider who is a related party, the capital cost basis of 55067
the asset shall be adjusted as specified in division (E)(3) of 55068
this section if all of the following conditions are met: 55069

(a) The related party is a relative of owner; 55070

(b) Except as provided in division (E)(4)(c)(ii) of this 55071
section, the provider making the transfer retains no ownership 55072
interest in the facility; 55073

(c) The department determines that the transfer is an arm's 55074
length transaction pursuant to rules adopted under section 5165.02 55075
of the Revised Code. The rules shall provide that a transfer is an 55076
arm's length transaction if all of the following apply: 55077

(i) Once the transfer goes into effect, the provider that 55078
made the transfer has no direct or indirect interest in the 55079
provider that acquires the facility or the facility itself, 55080
including interest as an owner, officer, director, employee, 55081
independent contractor, or consultant, but excluding interest as a 55082
creditor. 55083

(ii) The provider that made the transfer does not reacquire 55084
an interest in the facility except through the exercise of a 55085
creditor's rights in the event of a default. If the provider 55086
reacquires an interest in the facility in this manner, the 55087
department shall treat the facility as if the transfer never 55088
occurred when the department calculates its reimbursement rates 55089
for capital costs. 55090

(iii) The transfer satisfies any other criteria specified in 55091
the rules. 55092

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (E)(4) of this section or actual, allowable capital costs was determined most recently under division (F)(9) of this section.

(F) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (A) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (A) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the

lesser of the annual lease expense or the annual depreciation 55123
expense and imputed interest expense that would be calculated at 55124
the inception of the lease using the lessor's entire historical 55125
capital asset cost basis, adjusted by one-half of the change in 55126
the consumer price index for all items for all urban consumers, as 55127
published by the United States bureau of labor statistics, during 55128
the time the lessor held each asset until the beginning of the 55129
lease. 55130

(3) Subject to division (A) of this section, for a lease of a 55131
facility with a date of licensure on or after May 27, 1992, that 55132
is initially operated under a lease, actual, allowable capital 55133
costs shall include the annual lease expense if there was a 55134
substantial commitment of money for construction of the facility 55135
after December 22, 1992, and before July 1, 1993. If there was not 55136
a substantial commitment of money after December 22, 1992, and 55137
before July 1, 1993, actual, allowable capital costs shall include 55138
the lesser of the annual lease expense or the sum of the 55139
following: 55140

(a) The annual depreciation expense that would be calculated 55141
at the inception of the lease using the lessor's entire historical 55142
capital asset cost basis; 55143

(b) The greater of the lessor's actual annual amortization of 55144
financing costs and interest expense at the inception of the lease 55145
or the imputed interest expense calculated at the inception of the 55146
lease using seventy per cent of the lessor's historical capital 55147
asset cost basis. 55148

(4) Subject to division (A) of this section, for a lease of a 55149
facility with a date of licensure on or after May 27, 1992, that 55150
was not initially operated under a lease and has been in existence 55151
for ten years, actual, allowable capital costs shall include the 55152
lesser of the annual lease expense or the annual depreciation 55153
expense and imputed interest expense that would be calculated at 55154

the inception of the lease using the entire historical capital 55155
asset cost basis of one-half of the change in the consumer price 55156
index for all items for all urban consumers, as published by the 55157
United States bureau of labor statistics, during the time the 55158
lessor held each asset until the beginning of the lease. 55159

(5) Subject to division (A) of this section, for a new lease 55160
of a facility that was operated under a lease on May 27, 1992, 55161
actual, allowable capital costs shall include the lesser of the 55162
annual new lease expense or the annual old lease payment. If the 55163
old lease was in effect for ten years or longer, the old lease 55164
payment from the beginning of the old lease shall be adjusted by 55165
one-half of the change in the consumer price index for all items 55166
for all urban consumers, as published by the United States bureau 55167
of labor statistics, from the beginning of the old lease to the 55168
beginning of the new lease. 55169

(6) Subject to division (A) of this section, for a new lease 55170
of a facility that was not in existence or that was in existence 55171
but not operated under a lease on May 27, 1992, actual, allowable 55172
capital costs shall include the lesser of annual new lease expense 55173
or the annual amount calculated for the old lease under division 55174
(F)(2), (3), (4), or (6) of this section, as applicable. If the 55175
old lease was in effect for ten years or longer, the lessor's 55176
historical capital asset cost basis shall be, for purposes of 55177
calculating the annual amount under division (F)(2), (3), (4), or 55178
(6) of this section, adjusted by one-half of the change in the 55179
consumer price index for all items for all urban consumers, as 55180
published by the United States bureau of labor statistics, from 55181
the beginning of the old lease to the beginning of the new lease. 55182

In the case of a lease under division (F)(3) of this section 55183
of a facility for which a substantial commitment of money was made 55184
after December 22, 1992, and before July 1, 1993, the old lease 55185
payment shall be adjusted for the purpose of determining the 55186

annual amount. 55187

(7) For any revision of a lease described in division (F)(1), 55188
(2), (3), (4), (5), or (6) of this section, or for any subsequent 55189
lease of a facility operated under such a lease, other than 55190
execution of a new lease, the portion of actual, allowable capital 55191
costs attributable to the lease shall be the same as before the 55192
revision or subsequent lease. 55193

(8) Except as provided in division (F)(9) of this section, if 55194
a provider leases an interest in a facility to another provider 55195
who is a related party or previously operated the facility, the 55196
related party's or previous operator's actual, allowable capital 55197
costs shall include the lesser of the annual lease expense or the 55198
reasonable cost to the lessor. 55199

(9) If a provider leases an interest in a facility to another 55200
provider who is a related party, regardless of the date of the 55201
lease, the related party's actual, allowable capital costs shall 55202
include the annual lease expense, subject to the limitations 55203
specified in divisions (F)(1) to (7) of this section, if all of 55204
the following conditions are met: 55205

(a) The related party is a relative of owner; 55206

(b) If the lessor retains an ownership interest, it is, 55207
except as provided in division (F)(9)(c)(ii) of this section, in 55208
only the real property and any improvements on the real property; 55209

(c) The department determines that the lease is an arm's 55210
length transaction pursuant to rules adopted under section 5165.02 55211
of the Revised Code. The rules shall provide that a lease is an 55212
arm's length transaction if all of the following apply: 55213

(i) Once the lease goes into effect, the lessor has no direct 55214
or indirect interest in the lessee or, except as provided in 55215
division (F)(9)(b) of this section, the facility itself, including 55216
interest as an owner, officer, director, employee, independent 55217

contractor, or consultant, but excluding interest as a lessor. 55218

(ii) The lessor does not reacquire an interest in the 55219
facility except through the exercise of a lessor's rights in the 55220
event of a default. If the lessor reacquires an interest in the 55221
facility in this manner, the department shall treat the facility 55222
as if the lease never occurred when the department calculates its 55223
reimbursement rates for capital costs. 55224

(iii) The lease satisfies any other criteria specified in the 55225
rules. 55226

(d) Except in the case of hardship caused by a catastrophic 55227
event, as determined by the department, or in the case of a lessor 55228
who is at least sixty-five years of age, not less than twenty 55229
years have elapsed since, for the same facility, the capital cost 55230
basis was adjusted most recently under division (E)(4) of this 55231
section or actual, allowable capital costs were determined most 55232
recently under division (F)(9) of this section. 55233

(10) This division does not apply to leases of specific items 55234
of equipment. 55235

Sec. 5165.191. Each calendar quarter, each nursing facility 55236
provider shall compile complete assessment data for each resident 55237
of each of the provider's nursing facilities, regardless of 55238
payment source, who is in the nursing facility, or on hospital or 55239
therapeutic leave from the nursing facility, on the last day of 55240
the quarter. A resident assessment instrument specified in rules 55241
authorized by this section shall be used to compile the resident 55242
assessment data. Each provider shall submit the resident 55243
assessment data to the department of health and, if required by 55244
the rules, the department of medicaid. The resident assessment 55245
data shall be submitted not later than fifteen days after the end 55246
of the calendar quarter for which the data is compiled. If the 55247
resident assessment data is to be submitted to the department of 55248

medicaid, it shall be submitted to the department through the 55249
medium or media specified in the rules. 55250

Rules adopted under section 5165.02 of the Revised Code shall 55251
do all of the following: 55252

(A) In a manner consistent with the "Social Security Act," 55253
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 55254
assessment instrument to be used by nursing facility providers 55255
under this section; 55256

(B) Specify whether nursing facility providers must submit 55257
the resident assessment data to the department of medicaid; 55258

(C) Specify any resident assessment data that is excluded 55259
from the case mix calculation made under section 5165.192 of the 55260
Revised Code; 55261

(D) If the rules specify that nursing facility providers must 55262
submit the resident assessment data to the department, specify the 55263
medium or media through which the data is to be submitted. 55264

Sec. 5165.26. (A) As used in this section: 55265

(1) "Base rate" means the portion of a nursing facility's 55266
total per medicaid day payment rate determined under divisions (A) 55267
~~and~~, (B), and (C) of section 5165.15 of the Revised Code. 55268

(2) "CMS" means the United States centers for medicare and 55269
medicaid services. 55270

(3) "Force majeure event" means an uncontrollable force or 55271
natural disaster not within the power of a nursing facility's 55272
operator. 55273

(4) "Long-stay resident" ~~has the same meaning as in section~~ 55274
~~5165.25 of the Revised Code~~ means an individual who has resided in 55275
a nursing facility for at least one hundred one days. 55276

(5) "Nursing facilities for which a quality score was determined" includes nursing facilities that are determined to have a quality score of zero. 55277
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(B) For state fiscal year ~~2021~~ 2022 and state fiscal year 2023, and subject to divisions (D), (E), ~~and (F)~~, and (G) of this section, the department of medicaid shall determine each nursing facility's per medicaid day quality incentive payment rate as follows: 55280
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(1) Determine the sum of the quality scores determined under division (C) of this section for all nursing facilities. 55285
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(2) Determine the average quality score by dividing the sum determined under division (B)(1) of this section by the number of nursing facilities for which a quality score was determined. 55287
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(3) ~~For state fiscal year 2021, determine~~ Determine the sum of the total number of medicaid days for all of the calendar year ~~2019~~ preceding the fiscal year for which the rate is determined for all nursing facilities for which a quality score was determined. 55290
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(4) Multiply the average quality score determined under division (B)(2) of this section by the sum determined under division (B)(3) of this section. 55295
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(5) Determine the value per quality point by determining the quotient of the following: 55298
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(a) ~~For state fiscal year 2021, the~~ The sum determined under division (F)(2) of this section. 55300
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(b) The product determined under division (B)(4) of this section. 55302
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(6) Multiply the value per quality point determined under division (B)(5) of this section by the nursing facility's quality score determined under division (C) of this section. 55304
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(C)(1) Except as provided in divisions (C)(2) and (3) of this section, a nursing facility's quality score for state fiscal year ~~2021~~ 2022 and state fiscal year 2023 shall be the sum of the total number of points that CMS assigned to the nursing facility, including a nursing facility that underwent a change of operator, under CMS's nursing facility five-star quality rating system for the following quality metrics based on the most recent four-quarter average data available in the database maintained by ~~the United States centers for medicare and medicaid services~~ CMS and known as nursing home compare in May of ~~2020~~ the calendar year preceding the fiscal year for which the rate is determined begins:

(a) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

(b) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

(c) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

(d) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

(2) In determining a nursing facility's quality score for state fiscal year ~~2021~~ 2022 and state fiscal year 2023, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility, including a nursing facility that underwent a change of operator, for each of the quality metrics specified in division (C)(1) of this section:

(a) Unless division (C)(2)(b) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty.

(b) If CMS assigned the nursing facility to the lowest

percentile for the quality metric, reduce the number of the 55338
nursing facility's points for the quality metric to zero. 55339

(c) If the nursing facility's total number of points for 55340
state fiscal year 2022 for all of the quality metrics specified in 55341
division (C)(1) of this section is less than a number of points 55342
that is equal to the thirty-third percentile of all nursing 55343
facilities, reduce the nursing facility's points to zero. 55344

(d) If the nursing facility's total number of points for 55345
state fiscal year 2023 for all of the quality metrics specified in 55346
division (C)(1) of this section is less than its number of points 55347
established for state fiscal year 2022 under division (C)(2)(c) of 55348
this section, reduce the nursing facility's total points to zero. 55349

(3) A nursing facility's quality score shall be zero for 55350
state fiscal year ~~2021~~ 2022 or 2023 if it is not to receive a 55351
quality incentive payment for that state fiscal year because of 55352
division (D) of this section. 55353

(D)(1) Except as provided in division (D)(2) of this section, 55354
a nursing facility shall not receive a quality incentive payment 55355
for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if the 55356
nursing facility's licensed occupancy percentage is less than 55357
eighty per cent in that fiscal year. 55358

(2) Division (D)(1) of this section does not apply to a 55359
nursing facility if any of the following apply: 55360

(a) The nursing facility has a quality score under division 55361
(C) of this section for the state fiscal year ~~2021~~ of at least 55362
fifteen points; 55363

(b) The nursing facility was initially certified for 55364
participation in the medicaid program on or after January 1, ~~2019~~ 55365
of the calendar year preceding the fiscal year for which the rate 55366
is determined; 55367

(c) Subject to division (D)(4) of this section, one or more 55368
of the beds that are part of the nursing facility's licensed 55369
capacity could not be used for resident care during the calendar 55370
year ~~2019~~ preceding the fiscal year for which the rate is 55371
determined due to causes beyond the reasonable control of the 55372
nursing facility's operator, including a force majeure event; 55373

(d) Subject to division (D)(5) of this section, the nursing 55374
facility underwent a renovation during the two-year period 55375
beginning January 1, ~~2018~~, and ending January 1, ~~2020~~, of the 55376
calendar year occurring two years before the fiscal year for which 55377
the rate is determined to which both of the following apply: 55378

(i) The renovation involved capital expenditures of at least 55379
fifty thousand dollars, excluding expenditures for equipment, 55380
staffing, or operational costs. 55381

(ii) The renovation directly impacted the area of the nursing 55382
facility in which the beds that are part of the nursing facility's 55383
licensed capacity are located. 55384

(3) A nursing facility's licensed occupancy percentage for 55385
the purpose of division (D)(1) of this section shall be determined 55386
as follows: 55387

(a) Determine the product of the following: 55388

(i) The nursing facility's licensed capacity as of December 55389
31, ~~2019~~, of the calendar year preceding the fiscal year for which 55390
the rate is determined, as identified on the nursing facility's 55391
cost report filed with the department pursuant to section 5165.10 55392
of the Revised Code; 55393

(ii) Three hundred sixty-five. 55394

(b) Determine the quotient of the following: 55395

(i) The total number of the nursing facility's inpatient days 55396
for the calendar year ~~2019~~ preceding the fiscal year for which the 55397

rate is determined, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code; 55398
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(ii) The product determined under division (D)(3)(a) of this section. 55401
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(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred. 55403
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(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during that calendar year ~~2019~~ that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used. 55405
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(5) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(d) of this section, the nursing facility's operator must provide to the department written documentation that confirms the renovation and capital expenditures. 55412
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(E) A nursing facility shall not receive a quality incentive payment for state fiscal year ~~2021~~ 2022 or state fiscal year 2023 if either of the following apply: 55417
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(1) The nursing facility's initial total per medicaid day payment rate ~~for calendar year 2019 or state fiscal year 2021~~ for the state fiscal year or the calendar year preceding the fiscal year for which the rate is determined is ~~determined~~ calculated pursuant to section 5165.151 of the Revised Code. 55420
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(2) The nursing facility undergoes a change of operator during ~~calendar year 2019 or the~~ state fiscal year 2021 or the calendar year preceding the fiscal year for which the rate is determined. 55425
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(F) The total amount to be spent on quality incentive payments under division (B) of this section for each fiscal year during state fiscal year ~~2021~~ years 2022 and 2023 shall be determined as follows:

(1) Determine the following amount for each nursing facility, including those that do not receive a quality incentive payment because of division (D) of this section:

(a) The amount that is five and two-tenths per cent of the nursing facility's base rate for nursing facility services provided on the first day of the state fiscal year plus one dollar and seventy-nine cents;

(b) Multiply the amount determined under division (F)(1)(a) of this section by the number of the nursing facility's medicaid days for the calendar year ~~2019~~ preceding the fiscal year for which the rate is determined.

(2) Determine the sum of the products determined under division (F)(1)(b) of this section for all nursing facilities for which the product was determined for the state fiscal year.

(3) To the sum determined under division (F)(2) of this section, add \$108.5 million.

(G) If a nursing facility undergoes a change of operator during state fiscal year 2022 or 2023, the per medicaid day quality incentive payment rate to be paid to the entering operator for nursing facility services that the nursing facility provides during the period beginning on the effective date of the change of operator and ending on the last day of the state fiscal year shall be the same amount as the per medicaid day quality incentive payment rate that was in effect on the day immediately preceding the effective date of the change of operator and paid to the nursing facility's exiting operator. For the immediately following state fiscal year, the per medicaid day quality incentive payment

rate shall be determined under division (C) of this section. 55460

Sec. 5165.261. (A) The department of medicaid shall establish 55461
a nursing facility payment commission comprised of various nursing 55462
facility stakeholders. The commission shall consist of the 55463
following members: 55464

(1) Two members appointed by the governor; 55465

(2) Two members appointed by the speaker of the house of 55466
representatives; 55467

(3) Two members appointed by the president of the senate; 55468

(4) One member of the public, well-versed and with experience 55469
in the long-term care and nursing home industry, appointed by the 55470
governor. 55471

(B) Appointments to the commission shall be made not later 55472
than December 31, 2021. In the event of a vacancy, a replacement 55473
member shall be appointed in the same manner as initial 55474
appointments. Members shall serve without compensation. 55475

(C) The commission shall analyze the efficacy of all of the 55476
following: 55477

(1) The current quality incentive payment formula under 55478
section 5165.26 of the Revised Code for efficacy; 55479

(2) The nursing facility base rate calculation, as defined 55480
under section 5165.26 of the Revised Code; 55481

(3) The nursing facility cost centers, which are redetermined 55482
as part of the rebasing process under section 5165.36 of the 55483
Revised Code. 55484

(D) Not later than August 31, 2022, the commission shall 55485
submit a report to the general assembly, in accordance with 55486
section 101.68 of the Revised Code, with its recommendations and 55487
determinations on whether the quality measures under section 55488

5165.26 of the Revised Code are sufficient or whether the measures 55489
need to be changed. 55490

Sec. 5165.36. (A) The department of medicaid shall conduct a 55491
rebasings at least once every five state fiscal years. When the 55492
department conducts a rebasing for a state fiscal year, it shall 55493
conduct the rebasing for each cost center. 55494

(B) The department shall complete its next rebasing after the 55495
effective date of this amendment not later than June 30, 2022. 55496
That rebasing calculation shall be based on data provided by 55497
nursing facilities for calendar year 2019. 55498

Sec. 5165.771. (A) As used in this section: 55499

(1) "SFF list" means the list of nursing facilities that the 55500
United States department of health and human services creates 55501
under the special focus facility program. 55502

(2) "Special focus facility program" means the program 55503
conducted by the United States secretary of health and human 55504
services pursuant to the "Social Security Act," section 55505
1919(f)(10), 42 U.S.C. 1396r(f)(10). 55506

(3) "Table A" means the table included in the SFF list that 55507
identifies nursing facilities that are newly added to the SFF 55508
list. 55509

(4) "Table B" means the table included in the SFF list that 55510
identifies nursing facilities that have not improved. 55511

(5) "Table C" means the table included in the SFF list that 55512
identifies nursing facilities that have shown improvement. 55513

(6) "Table D" means the table included in the SFF list that 55514
identifies nursing facilities that have recently graduated from 55515
the special focus facility program. 55516

(B) The department of medicaid shall issue an order 55517

terminating a nursing facility's participation in the medicaid 55518
program if any of the following apply: 55519

(1) The nursing facility is ~~listed~~ placed in table A or table 55520
B ~~on the effective date of this section~~ and fails to be placed in 55521
table C not later than twelve months after ~~the effective date of~~ 55522
~~this section~~ the facility is placed in table A or table B. 55523

(2) The nursing facility is ~~listed~~ placed in table A, table 55524
B, or table C ~~on the effective date of this section~~ and fails to 55525
be placed in table D not later than twenty-four months after ~~the~~ 55526
~~effective date of this section~~ the facility is placed in table A, 55527
table B, or table C. 55528

(3) The nursing facility is placed in table A ~~after the~~ 55529
~~effective date of this section~~ and fails to be placed in table C 55530
not later than twelve months after the nursing facility is placed 55531
in table A. 55532

(4) The nursing facility is placed in table A ~~after the~~ 55533
~~effective date of this section~~ and fails to be placed in table D 55534
not later than twenty-four months after the nursing facility is 55535
placed in table A. 55536

(C) ~~An order issued under this section is not subject to~~ 55537
~~appeal~~ A nursing facility may appeal, under Chapter 119. of the 55538
Revised Code, the length of time the facility is listed in a table 55539
as described under division (B) of this section. The medicaid 55540
director shall adopt rules under section 5165.02 of the Revised 55541
Code as necessary to provide for an appeal under this division. 55542
Notwithstanding the timeframes listed in section 119.07 of the 55543
Revised Code, the rules may provide for an expedited appeal under 55544
this division. 55545

(D) ~~To~~ A nursing facility shall take all steps necessary to 55546
improve its quality of care to avoid having its participation in 55547
the medicaid program terminated pursuant to division (B) of this 55548

section. Technical assistance and quality improvement initiatives 55549
to help a nursing facility avoid having its participation in the 55550
medicaid program terminated pursuant to division (B) of this 55551
section, the department of aging shall provide the nursing 55552
facility technical assistance are available through the nursing 55553
home quality initiative established under section 173.60 of the 55554
Revised Code at least four months before the department of 55555
medicaid would be required to terminate the nursing facility's 55556
participation or initiatives offered through a quality improvement 55557
organization under contract with the United States secretary of 55558
health and human services to carry out in this state the functions 55559
described in section 1154 of the "Social Security Act," 42 U.S.C. 55560
1320c-3. 55561

Sec. 5166.01. As used in this chapter: 55562

"209(b) option" means the option described in section 1902(f) 55563
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 55564
medicaid program's eligibility requirements for aged, blind, and 55565
disabled individuals are more restrictive than the eligibility 55566
requirements for the supplemental security income program. 55567

"Administrative agency" means, with respect to a home and 55568
community-based services medicaid waiver component, the department 55569
of medicaid or, if a state agency or political subdivision 55570
contracts with the department under section 5162.35 of the Revised 55571
Code to administer the component, that state agency or political 55572
subdivision. 55573

"Care management system" has the same meaning as in section 55574
5167.01 of the Revised Code. 55575

"Dual eligible individual" has the same meaning as in section 55576
5160.01 of the Revised Code. 55577

"Enrollee" has the same meaning as in section 5167.01 of the 55578

Revised Code.	55579
"Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	55580 55581
"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.	55582 55583
"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.	55584 55585 55586 55587
"Hospital" has the same meaning as in section 3727.01 of the Revised Code.	55588 55589
"Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.	55590 55591
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	55592 55593
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	55594 55595
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	55596 55597
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	55598 55599 55600 55601 55602 55603
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	55604 55605
"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.	55606 55607

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 55608
5164.01 of the Revised Code. 55609

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 55610
5164.01 of the Revised Code. 55611

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," ~~section 1115 or 1915,~~ 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2. 55612
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 55619
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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 55623
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"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code. 55625
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"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 55629
5164.01 of the Revised Code. 55630

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds. 55631
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"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 55639
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 55641
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Sec. 5167.16. (A) As used in this section: 55644

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code. 55645
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(2) "Targeted case management" has the same meaning as in 42 C.F.R. 440.169(b). 55648
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(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services: 55650
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(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted case management benefit; 55654
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(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit. 55657
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(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of ~~an infant or toddler~~ a child under ~~three~~ five years of age. 55661
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(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this 55667
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section, the therapy shall be provided in the recipient's home. 55669
The medicaid managed care organization shall inform the medicaid 55670
recipient of the right to make the request and how to make it. 55671

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the 55672
Revised Code: 55673

(A) ~~"Franchise~~ Unless modified under division (C)(2) of 55674
section 5168.61 of the Revised Code, "franchise permit fee rate" 55675
means the following: 55676

(1) For fiscal year 2020, twenty-three dollars and 55677
ninety-five cents; 55678

(2) For fiscal year 2021 and each fiscal year thereafter, 55679
twenty-four dollars and eighty-nine cents. 55680

(B) "Indirect guarantee percentage" means the percentage 55681
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 55682
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 55683
whether a class of providers is indirectly held harmless for any 55684
portion of the costs of a broad-based health-care-related tax. If 55685
the indirect guarantee percentage changes during a fiscal year, 55686
the indirect guarantee percentage is the following: 55687

(1) For the part of the fiscal year before the change takes 55688
effect, the percentage in effect before the change; 55689

(2) For the part of the fiscal year beginning with the date 55690
the indirect guarantee percentage changes, the new percentage. 55691

(C) "ICF/IID" has the same meaning as in section 5124.01 of 55692
the Revised Code. 55693

(D) Except as provided in division (B) of section 5168.62 of 55694
the Revised Code, "inpatient days" has the same meaning as in 55695
section 5124.01 of the Revised Code. 55696

(E) "Medicaid-certified capacity" has the same meaning as in 55697

section 5124.01 of the Revised Code. 55698

(F) "Provider agreement" has the same meaning as in section 55699
5124.01 of the Revised Code. 55700

Sec. 5168.61. The department of developmental disabilities 55701
shall do all of the following: 55702

(A) Subject to section 5168.64 of the Revised Code and 55703
divisions (B) and (C) of this section and for the purposes 55704
specified in section 5168.69 of the Revised Code, quarterly assess 55705
each ICF/IID a franchise permit fee equal to the product of the 55706
following: 55707

(1) The franchise permit fee rate; 55708

(2) The number of the ICF/IID's inpatient days for the 55709
quarter as determined using the monthly reports submitted to the 55710
department under section 5168.62 of the Revised Code. 55711

(B) If the total amount of the franchise permit fee assessed 55712
under division (A) of this section for a fiscal year exceeds the 55713
indirect guarantee percentage of the actual net patient revenue 55714
for all ICFs/IID for that fiscal year and seventy-five per cent or 55715
more of the total number of ICFs/IID receive enhanced medicaid 55716
payments or other state payments equal to seventy-five per cent or 55717
more of their total franchise permit fee assessments, do both of 55718
the following: 55719

(1) Recalculate the assessments under division (A) of this 55720
section using a per inpatient day rate equal to the indirect 55721
guarantee percentage of actual net patient revenue for all 55722
ICFs/IID for that fiscal year; 55723

(2) Refund the difference between the total amount of the 55724
franchise permit fee assessed for that fiscal year under division 55725
(A) of this section and the amount recalculated under division 55726
(B)(1) of this section as a credit against the assessments imposed 55727

under division (A) of this section for the quarters of the 55728
subsequent fiscal year. 55729

(C)(1) If the United States secretary of health and human 55730
services determines that the franchise permit fee established by 55731
sections 5168.60 to 5168.71 of the Revised Code would be an 55732
impermissible health care-related tax under section 1903(w) of the 55733
"Social Security Act," 42 U.S.C. 1396b(w), take all necessary 55734
actions to cease implementation of those sections in accordance 55735
with rules adopted under section 5168.71 of the Revised Code. 55736

(2) If the United States secretary of health and human 55737
services adjusts the indirect guarantee percentage at any time 55738
during the fiscal year, adjust the franchise permit fee rate and 55739
associated ICF/IID invoices so as not to exceed the indirect 55740
guarantee percentage. 55741

Sec. 5301.13. All conveyances of real estate, or any interest 55742
therein, sold on behalf of the state, ~~with the exception of those~~ 55743
~~agreements made pursuant to divisions (A), (B), (C), (D), and (E)~~ 55744
~~of section 123.53 of the Revised Code,~~ shall be drafted by the 55745
auditor of state director of administrative services, executed in 55746
the name of the state, signed by the governor, countersigned by 55747
the secretary of state, and sealed with the great seal of the 55748
state. The ~~auditor of state~~ director of administrative services 55749
thereupon must record such conveyance in books to be kept by ~~him~~ 55750
the director of administrative services for that purpose, deliver 55751
them to the persons entitled thereto, and keep a record of such 55752
delivery, showing to whom delivered and the date thereof. 55753

Sec. 5301.14. When a title deed, recorded by the ~~auditor of~~ 55754
~~state~~ director of administrative services as required by section 55755
5301.13 of the Revised Code, or recorded in the office of the 55756
secretary of state, the record of which is required to be kept in 55757

the office of the ~~auditor of state~~ director of administrative 55758
services, has been lost or destroyed by accident, without having 55759
been recorded in the county recorder's office, on demand and 55760
tender of the fees therefor, the ~~auditor of state~~ director of 55761
administrative services shall furnish to any person a copy of such 55762
deed certified under the ~~auditor of state's~~ director of 55763
administrative services' official seal, which copy shall be 55764
received everywhere in this state as prima-facie evidence of the 55765
existence of the deed, and in all respects shall have the effect 55766
of certified copies from the official records of the county where 55767
such lands are situated. 55768

Sec. 5301.15. When a deed executed for land purchase from the 55769
state is lost or destroyed, or when a person who has an interest 55770
in such land, by the use of diligence cannot find it, and no 55771
record exists from which a certified copy can be made to supply 55772
the evidence of such deed, or when a certificate of the purchase 55773
of land sold at a land office of this state, or any other 55774
contract, bond, or memorandum evidencing a purchase of land has 55775
been lost or destroyed, or when from any cause the owner of such 55776
land, by the use of diligence, cannot find such certificate, 55777
contract, bond, or memorandum, the governor, when satisfied that 55778
the original purchase money for such land has been fully paid, 55779
shall execute a deed therefor in the name of the original 55780
purchaser which must recite the facts authorizing its making. Such 55781
deed shall be recorded in the office of the ~~auditor of state~~ 55782
director of administrative services who shall transmit it to the 55783
present claimant. 55784

Such deed has the same effect as the original deed, had it 55785
been preserved and recorded, or as a deed would have had, made to 55786
the original purchaser upon the date of the full payment of the 55787
purchase money. 55788

Sec. 5301.18. All deeds executed under sections 5301.15, 5301.16, and 5301.17 of the Revised Code must recite the facts, as ascertained by the governor and attorney general, upon the proof of which they are executed, and shall be recorded in the office of the ~~auditor of state~~ director of administrative services.

Sec. 5301.21. When the owners of adjoining tracts of land, or of lots in a municipal corporation, agree upon the site of a corner or line common to such tracts or lots, in a written instrument containing a pertinent description thereof, either with or without a plat, executed, acknowledged, and recorded as are deeds, such corner or line thenceforth shall be established as between the parties to such agreement, and all persons subsequently deriving title from them.

Such agreement shall be recorded by the county recorder in the official records. The original agreement, after being so recorded, or a certified copy thereof from the record, is competent evidence in any court in this state against a party thereto, or person in privity with a party.

When a tract of land is owned by the state, the officer or board having administrative control thereof, with the approval of the attorney general, may execute said written instrument and following recording in the county where the land is situated, said instrument shall be filed with the ~~auditor of state~~ director of administrative services with the evidence of title to the land affected.

Sec. 5501.332. Upon the occurrence of the condition stated in a deed pursuant to division (C) of section 5501.331 of the Revised Code, the director of transportation shall prepare and issue a certification of the occurrence to the grantor or ~~his~~ the grantor's successors or assigns, the governor, and the ~~auditor of~~

~~state~~ director of administrative services. 55819

Upon receipt of the certification, the ~~auditor of state~~ 55820
director of administrative services, with the assistance of the 55821
attorney general, shall prepare a deed releasing the property 55822
donated under section 5501.33 of the Revised Code to the grantor 55823
or ~~his~~ the grantor's successors or assigns. The deed shall declare 55824
the occurrence of the condition and the consequent reversion. The 55825
deed shall be executed by the governor, countersigned by the 55826
secretary of state, recorded in the office of the ~~auditor of state~~ 55827
director of administrative services, and delivered to the grantor 55828
or ~~his~~ the grantor's successors or assigns. 55829

Sec. 5502.14. (A) As used in this section, "felony" has the 55830
same meaning as in section 109.511 of the Revised Code. 55831

(B)(1) Any person who is employed by the department of public 55832
safety and designated by the director of public safety to enforce 55833
Title XLIII of the Revised Code, the rules adopted under it, 55834
section 2927.02 of the Revised Code, and the laws and rules 55835
regulating the use of supplemental nutrition assistance program 55836
benefits shall be known as an enforcement agent. The employment by 55837
the department of public safety and the designation by the 55838
director of public safety of a person as an enforcement agent 55839
shall be subject to division (D) of this section. An enforcement 55840
agent has the authority vested in peace officers pursuant to 55841
section 2935.03 of the Revised Code to keep the peace, to enforce 55842
all applicable laws and rules on any retail liquor permit 55843
premises, or on any other premises of public or private property, 55844
where a violation of Title XLIII of the Revised Code or any rule 55845
adopted under it is occurring, to enforce section 2927.02 of the 55846
Revised Code wherever the violation occurs, and to enforce all 55847
laws and rules governing the use of supplemental nutrition 55848
assistance program benefits, women, infants, and children's 55849

coupons, electronically transferred benefits, or any other access 55850
device that is used alone or in conjunction with another access 55851
device to obtain payments, allotments, benefits, money, goods, or 55852
other things of value, or that can be used to initiate a transfer 55853
of funds, pursuant to the supplemental nutrition assistance 55854
program established under the Food and Nutrition Act of 2008 (7 55855
U.S.C. 2011 et seq.) or any supplemental food program administered 55856
by any department of this state pursuant to the "Child Nutrition 55857
Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786. Enforcement agents, 55858
in enforcing compliance with the laws and rules described in this 55859
division, may keep the peace and make arrests for violations of 55860
those laws and rules. 55861

(2) In addition to the authority conferred by division (B)(1) 55862
of this section, an enforcement agent also may execute search 55863
warrants and seize and take into custody any contraband, as 55864
defined in section 2901.01 of the Revised Code, or any property 55865
that is otherwise necessary for evidentiary purposes related to 55866
any violations of the laws or rules described in division (B)(1) 55867
of this section. An enforcement agent may enter public or private 55868
premises where activity alleged to violate the laws or rules 55869
described in division (B)(1) of this section is occurring. 55870

(3) Enforcement agents who are on, immediately adjacent to, 55871
or across from retail liquor permit premises and who are 55872
performing investigative duties relating to that premises, 55873
enforcement agents who are on premises that are not liquor permit 55874
premises but on which a violation of Title XLIII of the Revised 55875
Code or any rule adopted under it allegedly is occurring, ~~and~~ 55876
enforcement agents who view a suspected violation of Title XLIII 55877
of the Revised Code, of a rule adopted under it, and enforcement 55878
agents investigating a violation of section 2927.02 of the Revised 55879
Code or of another law or rule described in division (B)(1) of 55880
this section have the authority to enforce the laws and rules 55881

described in division (B)(1) of this section, authority to enforce 55882
any section in Title XXIX of the Revised Code or any other section 55883
of the Revised Code listed in section 5502.13 of the Revised Code 55884
if they witness a violation of the section under any of the 55885
circumstances described in this division, and authority to make 55886
arrests for violations of the laws and rules described in division 55887
(B)(1) of this section and violations of any of those sections. 55888

(4) The jurisdiction of an enforcement agent under division 55889
(B) of this section shall be concurrent with that of the peace 55890
officers of the county, township, or municipal corporation in 55891
which the violation occurs. 55892

(C) Enforcement agents of the department of public safety who 55893
are engaged in the enforcement of the laws and rules described in 55894
division (B)(1) of this section may carry concealed weapons when 55895
conducting undercover investigations pursuant to their authority 55896
as law enforcement officers and while acting within the scope of 55897
their authority pursuant to this chapter. 55898

(D)(1) The department of public safety shall not employ, and 55899
the director of public safety shall not designate, a person as an 55900
enforcement agent on a permanent basis, on a temporary basis, for 55901
a probationary term, or on other than a permanent basis if the 55902
person previously has been convicted of or has pleaded guilty to a 55903
felony. 55904

(2)(a) The department of public safety shall terminate the 55905
employment of a person who is designated as an enforcement agent 55906
and who does either of the following: 55907

(i) Pleads guilty to a felony; 55908

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 55909
plea agreement as provided in division (D) of section 2929.43 of 55910
the Revised Code in which the enforcement agent agrees to 55911
surrender the certificate awarded to that agent under section 55912

109.77 of the Revised Code. 55913

(b) The department shall suspend the employment of a person 55914
who is designated as an enforcement agent if the person is 55915
convicted, after trial, of a felony. If the enforcement agent 55916
files an appeal from that conviction and the conviction is upheld 55917
by the highest court to which the appeal is taken or if no timely 55918
appeal is filed, the department shall terminate the employment of 55919
that agent. If the enforcement agent files an appeal that results 55920
in that agent's acquittal of the felony or conviction of a 55921
misdemeanor, or in the dismissal of the felony charge against the 55922
agent, the department shall reinstate the agent. An enforcement 55923
agent who is reinstated under division (D)(2)(b) of this section 55924
shall not receive any back pay unless the conviction of that agent 55925
of the felony was reversed on appeal, or the felony charge was 55926
dismissed, because the court found insufficient evidence to 55927
convict the agent of the felony. 55928

(3) Division (D) of this section does not apply regarding an 55929
offense that was committed prior to January 1, 1997. 55930

(4) The suspension or termination of the employment of a 55931
person designated as an enforcement agent under division (D)(2) of 55932
this section shall be in accordance with Chapter 119. of the 55933
Revised Code. 55934

Sec. 5502.30. (A) The state, any political subdivision, any 55935
municipal agency, any emergency management volunteer, another 55936
state, or an emergency management agency thereof or of the federal 55937
government or of another country or province or subdivision 55938
thereof performing emergency management services in this state 55939
pursuant to an arrangement, agreement, or compact for mutual aid 55940
and assistance, or any agency, member, agent, or representative of 55941
any of them, or any individual, partnership, corporation, 55942
association, trustee, or receiver, or any of the agents thereof, 55943

in good faith carrying out, complying with, or attempting to 55944
comply with any state or federal law or any arrangement, 55945
agreement, or compact for mutual aid and assistance, or any order 55946
issued by federal or state military authorities relating to 55947
emergency management, is not liable for any injury to or death of 55948
persons or damage to property as the result thereof during 55949
training periods, test periods, practice periods, or other 55950
emergency management operations, or false alerts, as well as 55951
during any hazard, actual or imminent, and subsequent to the same 55952
except in cases of willful misconduct. As used in this division, 55953
"emergency management volunteer" means only an individual who is 55954
authorized to assist any agency performing emergency management 55955
during a hazard. 55956

(B) The state, any political subdivision, any individual, 55957
partnership, corporation, association, trustee, or receiver, or 55958
any agent, agency, representative, officer, or employee of any of 55959
them that owns, maintains, occupies, operates, or controls all or 55960
part of any building, structure, or premises shall not be liable 55961
for any injury or death sustained by any person or damage caused 55962
to any property while that person or property is in the building, 55963
structure, or premises for duty, training, or shelter purposes 55964
during a hazard, drill, test, or false warning, or is entering 55965
therein for such purposes or departing therefrom, or for any 55966
injury, death, or property damage as the result of any condition 55967
in or on the building, structure, or premises or of any act or 55968
omission with respect thereto, except a willful act intended to 55969
cause injury or damage. 55970

(C) Any employee of a political subdivision of this state 55971
that is rendering aid in another state is considered an officer or 55972
employee of the state for purposes of the immunity established 55973
under Article VI of the emergency management assistance compact 55974
enacted under section 5502.40 of the Revised Code. Nothing in this 55975

division entitles an employee of a political subdivision to any 55976
other right or benefit of a state employee. 55977

(D) This section does not affect the right of any person to 55978
receive benefits to which ~~he~~ the person may be entitled under 55979
Chapter 4123. of the Revised Code or any pension law, nor the 55980
rights of any person to receive any benefits or compensation under 55981
any act of congress or under any law of this state. 55982

Sec. 5701.11. The effective date to which this section refers 55983
is the effective date of this section as amended by H.B. 197 of 55984
the 133rd general assembly. 55985

(A)(1) Except as provided under division (A)(2) or (B) of 55986
this section, any reference in Title LVII or sections 3123.90, 55987
3770.073, or 3772.37 of the Revised Code to the Internal Revenue 55988
Code, to the Internal Revenue Code "as amended," to other laws of 55989
the United States, or to other laws of the United States, "as 55990
amended," means the Internal Revenue Code or other laws of the 55991
United States as they exist on the effective date. 55992

(2) This section does not apply to any reference in Title 55993
LVII of the Revised Code to the Internal Revenue Code as of a date 55994
certain specifying the day, month, and year, or to other laws of 55995
the United States as of a date certain specifying the day, month, 55996
and year. 55997

(B)(1) For purposes of applying section 5733.04, 5745.01, or 55998
5747.01 of the Revised Code to a taxpayer's taxable year ending 55999
after March 30, 2018, and before the effective date, a taxpayer 56000
may irrevocably elect to incorporate the provisions of the 56001
Internal Revenue Code or other laws of the United States that are 56002
in effect for federal income tax purposes for that taxable year if 56003
those provisions differ from the provisions that, under division 56004
(A) of this section, would otherwise apply. The filing by the 56005
taxpayer for that taxable year of a report or return that 56006

incorporates the provisions of the Internal Revenue Code or other 56007
laws of the United States applicable for federal income tax 56008
purposes for that taxable year, and that does not include any 56009
adjustments to reverse the effects of any differences between 56010
those provisions and the provisions that would otherwise apply, 56011
constitutes the making of an irrevocable election under this 56012
division for that taxable year. 56013

(2) Elections under prior versions of division (B)(1) of this 56014
section remain in effect for the taxable years to which they 56015
apply. 56016

Sec. 5703.21. (A) Except as provided in divisions (B) and (C) 56017
of this section, no agent of the department of taxation, except in 56018
the agent's report to the department or when called on to testify 56019
in any court or proceeding, shall divulge any information acquired 56020
by the agent as to the transactions, property, or business of any 56021
person while acting or claiming to act under orders of the 56022
department. Whoever violates this provision shall thereafter be 56023
disqualified from acting as an officer or employee or in any other 56024
capacity under appointment or employment of the department. 56025

(B)(1) For purposes of an audit pursuant to section 117.15 of 56027
the Revised Code, or an audit of the department pursuant to 56028
Chapter 117. of the Revised Code, or an audit, pursuant to that 56029
chapter, the objective of which is to express an opinion on a 56030
financial report or statement prepared or issued pursuant to 56031
division (A)(7) or (9) of section 126.21 of the Revised Code, the 56032
officers and employees of the auditor of state charged with 56033
conducting the audit shall have access to and the right to examine 56034
any state tax returns and state tax return information in the 56035
possession of the department to the extent that the access and 56036
examination are necessary for purposes of the audit. Any 56037

information acquired as the result of that access and examination 56038
shall not be divulged for any purpose other than as required for 56039
the audit or unless the officers and employees are required to 56040
testify in a court or proceeding under compulsion of legal 56041
process. Whoever violates this provision shall thereafter be 56042
disqualified from acting as an officer or employee or in any other 56043
capacity under appointment or employment of the auditor of state. 56044

(2) For purposes of an internal audit pursuant to section 56045
126.45 of the Revised Code, the officers and employees of the 56046
office of internal audit in the office of budget and management 56047
charged with directing the internal audit shall have access to and 56048
the right to examine any state tax returns and state tax return 56049
information in the possession of the department to the extent that 56050
the access and examination are necessary for purposes of the 56051
internal audit. Any information acquired as the result of that 56052
access and examination shall not be divulged for any purpose other 56053
than as required for the internal audit or unless the officers and 56054
employees are required to testify in a court or proceeding under 56055
compulsion of legal process. Whoever violates this provision shall 56056
thereafter be disqualified from acting as an officer or employee 56057
or in any other capacity under appointment or employment of the 56058
office of internal audit. 56059

(3) As provided by section 6103(d)(2) of the Internal Revenue 56060
Code, any federal tax returns or federal tax information that the 56061
department has acquired from the internal revenue service, through 56062
federal and state statutory authority, may be disclosed to the 56063
auditor of state or the office of internal audit solely for 56064
purposes of an audit of the department. 56065

(4) For purposes of Chapter 3739. of the Revised Code, an 56066
agent of the department of taxation may share information with the 56067
division of state fire marshal that the agent finds during the 56068
course of an investigation. 56069

(C) Division (A) of this section does not prohibit any of the following: 56070
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(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code; 56072
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(2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code; 56076
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(3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code; 56079
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(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; 56084
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(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 56087
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56089

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; 56090
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(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, 56094
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direct payment permit, or seller's use tax account;	56101
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	56102 56103
(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;	56104 56105 56106 56107 56108
(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	56109 56110
(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;	56111 56112 56113 56114 56115
(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;	56116 56117 56118 56119 56120 56121
(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.	56122 56123 56124 56125 56126 56127 56128 56129 56130
(14) Disclosing to the Ohio casino control commission	56131

information in the possession of the department of taxation that 56132
is necessary to verify a casino operator's compliance with section 56133
5747.063 or 5753.02 of the Revised Code and sections related 56134
thereto; 56135

(15) Disclosing to the state lottery commission information 56136
in the possession of the department of taxation that is necessary 56137
to verify a lottery sales agent's compliance with section 5747.064 56138
of the Revised Code. 56139

(16) Disclosing to the department of development ~~services~~ 56140
~~agency~~ information in the possession of the department of taxation 56141
that is necessary to ensure compliance with the laws of this state 56142
governing taxation and to verify information reported to the 56143
department of development ~~services~~ ~~agency~~ for the purpose of 56144
evaluating potential tax credits, grants, or loans. Such 56145
information shall not include information received from the 56146
internal revenue service the disclosure of which is prohibited by 56147
section 6103 of the Internal Revenue Code. No officer, employee, 56148
or agent of the department of development ~~services~~ ~~agency~~ shall 56149
disclose any information provided to the department of development 56150
~~services~~ ~~agency~~ by the department of taxation under division 56151
(C)(16) of this section except when disclosure of the information 56152
is necessary for, and made solely for the purpose of facilitating, 56153
the evaluation of potential tax credits, grants, or loans. 56154

(17) Disclosing to the department of insurance information in 56155
the possession of the department of taxation that is necessary to 56156
ensure a taxpayer's compliance with the requirements with any tax 56157
credit administered by the department of development ~~services~~ 56158
~~agency~~ and claimed by the taxpayer against any tax administered by 56159
the superintendent of insurance. No officer, employee, or agent of 56160
the department of insurance shall disclose any information 56161
provided to the department of insurance by the department of 56162
taxation under division (C)(17) of this section. 56163

(18) Disclosing to the division of liquor control information 56164
in the possession of the department of taxation that is necessary 56165
for the division and department to comply with the requirements of 56166
sections 4303.26 and 4303.271 of the Revised Code. 56167

(19) Disclosing to the department of education, upon that 56168
department's request, information in the possession of the 56169
department of taxation that is necessary only to verify whether 56170
the family income of a student applying for or receiving a 56171
scholarship under the educational choice scholarship pilot program 56172
is equal to, less than, or greater than the income thresholds 56173
prescribed by section 3310.02 or 3310.032 of the Revised Code. The 56174
department of education shall provide sufficient information about 56175
the student and the student's family to enable the department of 56176
taxation to make the verification. 56177

(20) Disclosing to the state racing commission information in 56178
the possession of the department of taxation that is necessary for 56179
verification of compliance with and for enforcement and 56180
administration of the taxes levied by Chapter 3769. of the Revised 56181
Code. Such information shall include information that is necessary 56182
for the state racing commission to verify compliance with Chapter 56183
3769. of the Revised Code for the purposes of issuance, denial, 56184
suspension, or revocation of a permit pursuant to section 3769.03 56185
or 3769.06 of the Revised Code and related sections. Unless 56186
disclosure is otherwise authorized by law, information provided to 56187
the state racing commission under this section shall remain 56188
confidential and is not subject to public disclosure pursuant to 56189
section 3769.041 of the Revised Code. 56190

Sec. 5703.70. (A) On the filing of an application for refund 56191
under section 718.91, 3734.905, 4307.05, 4307.07, 5726.30, 56192
5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 56193
5735.141, 5735.142, 5735.18, 5736.08, 5739.07, 5739.071, 5739.104, 56194

5741.10, 5743.05, 5743.53, 5747.11, 5749.08, 5751.08, or 5753.06 56195
of the Revised Code, or an application for compensation under 56196
section 5739.061 of the Revised Code, if the tax commissioner 56197
determines that the amount of the refund or compensation to which 56198
the applicant is entitled is less than the amount claimed in the 56199
application, the commissioner shall give the applicant written 56200
notice by ordinary mail of the amount. The notice shall be sent to 56201
the address shown on the application unless the applicant notifies 56202
the commissioner of a different address. The applicant shall have 56203
sixty days from the date the commissioner mails the notice to 56204
provide additional information to the commissioner or request a 56205
hearing, or both. 56206

(B) If the applicant neither requests a hearing nor provides 56207
additional information to the tax commissioner within the time 56208
prescribed by division (A) of this section, the commissioner shall 56209
take no further action, and the refund or compensation amount 56210
denied becomes final. 56211

(C)(1) If the applicant requests a hearing within the time 56212
prescribed by division (A) of this section, the tax commissioner 56213
shall assign a time and place for the hearing and notify the 56214
applicant of such time and place, but the commissioner may 56215
continue the hearing from time to time, as necessary. After the 56216
hearing, the commissioner may make such adjustments to the refund 56217
or compensation as the commissioner finds proper, and shall issue 56218
a final determination thereon. 56219

(2) If the applicant does not request a hearing, but provides 56220
additional information, within the time prescribed by division (A) 56221
of this section, the commissioner shall review the information, 56222
make such adjustments to the refund or compensation as the 56223
commissioner finds proper, and issue a final determination 56224
thereon. The commissioner may review such information and make 56225

such adjustments as many times as the commissioner finds proper 56226
before the issuance of a final determination. 56227

(3) If the applicant requests a hearing and provides 56228
additional information within the time prescribed by division (A) 56229
of this section, the commissioner may review the information and 56230
make such adjustments to the refund or compensation as the 56231
commissioner finds proper. The commissioner may review such 56232
information and make such adjustments as many times as the 56233
commissioner finds proper before the issuance of a final 56234
determination. 56235

The commissioner shall assign a time and place for the 56236
hearing and notify the applicant of such time and place, but the 56237
commissioner may continue the hearing from time to time, as 56238
necessary. After the hearing, the commissioner may make any 56239
additional adjustments to the refund or compensation as the 56240
commissioner finds proper and shall issue a final determination 56241
thereon. 56242

(4) The commissioner shall serve a copy of the final 56243
determination made under division (C)(1) ~~or~~, (2), or (3) of this 56244
section on the applicant in the manner provided in section 5703.37 56245
of the Revised Code, and the decision is final, subject to appeal 56246
under section 5717.02 of the Revised Code. 56247

(D) The tax commissioner shall certify to the director of 56248
budget and management and treasurer of state for payment from the 56249
tax refund fund created by section 5703.052 of the Revised Code, 56250
the amount of the refund to be refunded under division (B) or (C) 56251
of this section. The commissioner also shall certify to the 56252
director and treasurer of state for payment from the general 56253
revenue fund the amount of compensation to be paid under division 56254
(B) or (C) of this section. 56255

Sec. 5705.16. A resolution of the taxing authority of any 56256

political subdivision shall be passed by a majority of all the members thereof, declaring the necessity for the transfer of funds authorized by section 5705.15 of the Revised Code, and such taxing authority shall submit to the tax commissioner a petition that includes the name and amount of the fund, the fund to which it is desired to be transferred, a copy of such resolution with a full statement of the proceedings pertaining to its passage, and the reason or necessity for the transfer. The commissioner shall approve the transfer of such funds upon determining each of the following:

(A) The petition states sufficient facts;

(B) That there are good reasons, or that a necessity exists, for the transfer;

(C) No injury will result from the transfer of such funds.

If the petition is disapproved by the commissioner, it shall be returned within ~~ten~~ thirty days of its receipt to the officers who submitted it, with a memorandum of the commissioner's objections, and the taxing authority shall not transfer the funds as requested by the petition. This disapproval shall not prejudice a later application for approval. If the petition is approved by the commissioner, it shall be returned within ~~ten~~ thirty days of its receipt to the officers who submitted it, and the taxing authority may transfer the funds as requested by the petition.

Sec. 5705.19. This section does not apply to school districts, county school financing districts, or lake facilities authorities.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the

election upon which it will be voted that the amount of taxes that 56287
may be raised within the ten-mill limitation will be insufficient 56288
to provide for the necessary requirements of the subdivision and 56289
that it is necessary to levy a tax in excess of that limitation 56290
for any of the following purposes: 56291

(A) For current expenses of the subdivision, except that the 56292
total levy for current expenses of a detention facility district 56293
or district organized under section 2151.65 of the Revised Code 56294
shall not exceed two mills and that the total levy for current 56295
expenses of a combined district organized under sections 2151.65 56296
and 2152.41 of the Revised Code shall not exceed four mills; 56297

(B) For the payment of debt charges on certain described 56298
bonds, notes, or certificates of indebtedness of the subdivision 56299
issued subsequent to January 1, 1925; 56300

(C) For the debt charges on all bonds, notes, and 56301
certificates of indebtedness issued and authorized to be issued 56302
prior to January 1, 1925; 56303

(D) For a public library of, or supported by, the subdivision 56304
under whatever law organized or authorized to be supported; 56305

(E) For a municipal university, not to exceed two mills over 56306
the limitation of one mill prescribed in section 3349.13 of the 56307
Revised Code; 56308

(F) For the construction or acquisition of any specific 56309
permanent improvement or class of improvements that the taxing 56310
authority of the subdivision may include in a single bond issue; 56311

(G) For the general construction, reconstruction, 56312
resurfacing, and repair of streets, roads, and bridges in 56313
municipal corporations, counties, or townships; 56314

(H) For parks and recreational purposes; 56315

(I) For providing and maintaining fire apparatus, mechanical 56316

resuscitators, underwater rescue and recovery equipment, or other 56317
fire equipment and appliances, buildings and sites therefor, or 56318
sources of water supply and materials therefor, for the 56319
establishment and maintenance of lines of fire-alarm 56320
communications, for the payment of firefighting companies or 56321
permanent, part-time, or volunteer firefighting, emergency medical 56322
service, administrative, or communications personnel to operate 56323
the same, including the payment of any employer contributions 56324
required for such personnel under section 145.48 or 742.34 of the 56325
Revised Code, for the purchase of ambulance equipment, for the 56326
provision of ambulance, paramedic, or other emergency medical 56327
services operated by a fire department or firefighting company, or 56328
for the payment of other related costs; 56329

(J) For providing and maintaining motor vehicles, 56330
communications, other equipment, buildings, and sites for such 56331
buildings used directly in the operation of a police department, 56332
for the payment of salaries of permanent or part-time police, 56333
communications, or administrative personnel to operate the same, 56334
including the payment of any employer contributions required for 56335
such personnel under section 145.48 or 742.33 of the Revised Code, 56336
for the payment of the costs incurred by townships as a result of 56337
contracts made with other political subdivisions in order to 56338
obtain police protection, for the provision of ambulance or 56339
emergency medical services operated by a police department, or for 56340
the payment of other related costs; 56341

(K) For the maintenance and operation of a county home or 56342
detention facility; 56343

(L) For community developmental disabilities programs and 56344
services pursuant to Chapter 5126. of the Revised Code, except 56345
that such levies shall be subject to the procedures and 56346
requirements of section 5705.222 of the Revised Code; 56347

(M) For regional planning; 56348

(N) For a county's share of the cost of maintaining and	56349
operating schools, district detention facilities, forestry camps,	56350
or other facilities, or any combination thereof, established under	56351
section 2151.65 or 2152.41 of the Revised Code or both of those	56352
sections;	56353
(O) For providing for flood defense, providing and	56354
maintaining a flood wall or pumps, and other purposes to prevent	56355
floods;	56356
(P) For maintaining and operating sewage disposal plants and	56357
facilities;	56358
(Q) For the purpose of purchasing, acquiring, constructing,	56359
enlarging, improving, equipping, repairing, maintaining, or	56360
operating, or any combination of the foregoing, a county transit	56361
system pursuant to sections 306.01 to 306.13 of the Revised Code,	56362
or of making any payment to a board of county commissioners	56363
operating a transit system or a county transit board pursuant to	56364
section 306.06 of the Revised Code;	56365
(R) For the subdivision's share of the cost of acquiring or	56366
constructing any schools, forestry camps, detention facilities, or	56367
other facilities, or any combination thereof, under section	56368
2151.65 or 2152.41 of the Revised Code or both of those sections;	56369
(S) For the prevention, control, and abatement of air	56370
pollution;	56371
(T) For maintaining and operating cemeteries;	56372
(U) For providing ambulance service, emergency medical	56373
service, or both;	56374
(V) For providing for the collection and disposal of garbage	56375
or refuse, including yard waste;	56376
(W) For the payment of the police officer employers'	56377
contribution or the firefighter employers' contribution required	56378

under sections 742.33 and 742.34 of the Revised Code; 56379

(X) For the construction and maintenance of a drainage 56380
improvement pursuant to section 6131.52 of the Revised Code; 56381

(Y) For providing or maintaining senior citizens services or 56382
facilities as authorized by section 307.694, 307.85, 505.70, or 56383
505.706 or division (EE) of section 717.01 of the Revised Code; 56384

(Z) For the provision and maintenance of zoological park 56385
services and facilities as authorized under section 307.76 of the 56386
Revised Code; 56387

(AA) For the maintenance and operation of a free public 56388
museum of art, science, or history; 56389

(BB) For the establishment and operation of a 9-1-1 system, 56390
as defined in section 128.01 of the Revised Code; 56391

(CC) For the purpose of acquiring, rehabilitating, or 56392
developing rail property or rail service. As used in this 56393
division, "rail property" and "rail service" have the same 56394
meanings as in section 4981.01 of the Revised Code. This division 56395
applies only to a county, township, or municipal corporation. 56396

(DD) For the purpose of acquiring property for, constructing, 56397
operating, and maintaining community centers as provided for in 56398
section 755.16 of the Revised Code; 56399

(EE) For the creation and operation of an office or joint 56400
office of economic development, for any economic development 56401
purpose of the office, and to otherwise provide for the 56402
establishment and operation of a program of economic development 56403
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 56404
the extent that the expenses of a county land reutilization 56405
corporation organized under Chapter 1724. of the Revised Code are 56406
found by the board of county commissioners to constitute the 56407
promotion of economic development, for the payment of such 56408

operations and expenses; 56409

(FF) For the purpose of acquiring, establishing, 56410
constructing, improving, equipping, maintaining, or operating, or 56411
any combination of the foregoing, a township airport, landing 56412
field, or other air navigation facility pursuant to section 505.15 56413
of the Revised Code; 56414

(GG) For the payment of costs incurred by a township as a 56415
result of a contract made with a county pursuant to section 56416
505.263 of the Revised Code in order to pay all or any part of the 56417
cost of constructing, maintaining, repairing, or operating a water 56418
supply improvement; 56419

(HH) For a board of township trustees to acquire, other than 56420
by appropriation, an ownership interest in land, water, or 56421
wetlands, or to restore or maintain land, water, or wetlands in 56422
which the board has an ownership interest, not for purposes of 56423
recreation, but for the purposes of protecting and preserving the 56424
natural, scenic, open, or wooded condition of the land, water, or 56425
wetlands against modification or encroachment resulting from 56426
occupation, development, or other use, which may be styled as 56427
protecting or preserving "greenspace" in the resolution, notice of 56428
election, or ballot form. Except as otherwise provided in this 56429
division, land is not acquired for purposes of recreation, even if 56430
the land is used for recreational purposes, so long as no 56431
building, structure, or fixture used for recreational purposes is 56432
permanently attached or affixed to the land. Except as otherwise 56433
provided in this division, land that previously has been acquired 56434
in a township for these greenspace purposes may subsequently be 56435
used for recreational purposes if the board of township trustees 56436
adopts a resolution approving that use and no building, structure, 56437
or fixture used for recreational purposes is permanently attached 56438
or affixed to the land. The authorization to use greenspace land 56439
for recreational use does not apply to land located in a township 56440

that had a population, at the time it passed its first greenspace 56441
levy, of more than thirty-eight thousand within a county that had 56442
a population, at that time, of at least eight hundred sixty 56443
thousand. 56444

(II) For the support by a county of a crime victim assistance 56445
program that is provided and maintained by a county agency or a 56446
private, nonprofit corporation or association under section 307.62 56447
of the Revised Code; 56448

(JJ) For any or all of the purposes set forth in divisions 56449
(I) and (J) of this section. This division applies only to a 56450
municipal corporation or a township. 56451

(KK) For a countywide public safety communications system 56452
under section 307.63 of the Revised Code. This division applies 56453
only to counties. 56454

(LL) For the support by a county of criminal justice services 56455
under section 307.45 of the Revised Code; 56456

(MM) For the purpose of maintaining and operating a jail or 56457
other detention facility as defined in section 2921.01 of the 56458
Revised Code; 56459

(NN) For purchasing, maintaining, or improving, or any 56460
combination of the foregoing, real estate on which to hold, and 56461
the operating expenses of, agricultural fairs operated by a county 56462
agricultural society or independent agricultural society under 56463
Chapter 1711. of the Revised Code. This division applies only to a 56464
county. 56465

(OO) For constructing, rehabilitating, repairing, or 56466
maintaining sidewalks, walkways, trails, bicycle pathways, or 56467
similar improvements, or acquiring ownership interests in land 56468
necessary for the foregoing improvements; 56469

(PP) For both of the purposes set forth in divisions (G) and 56470

(OO) of this section.	56471
(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.	56472 56473
(RR) For the legislative authority of a municipal corporation, board of county commissioners of a county, or board of township trustees of a township to acquire agricultural easements, as defined in section 5301.67 of the Revised Code, and to supervise and enforce the easements.	56474 56475 56476 56477 56478
(SS) For both of the purposes set forth in divisions (BB) and (KK) of this section. This division applies only to a county.	56479 56480
(TT) For the maintenance and operation of a facility that is organized in whole or in part to promote the sciences and natural history under section 307.761 of the Revised Code.	56481 56482 56483
(UU) For the creation and operation of a county land reutilization corporation and for any programs or activities of the corporation found by the board of directors of the corporation to be consistent with the purposes for which the corporation is organized;	56484 56485 56486 56487 56488
(VV) For construction and maintenance of improvements and expenses of soil and water conservation district programs under Chapter 940. of the Revised Code;	56489 56490 56491
(WW) For the OSU extension fund created under section 3335.35 of the Revised Code for the purposes prescribed under section 3335.36 of the Revised Code for the benefit of the citizens of a county. This division applies only to a county.	56492 56493 56494 56495
(XX) For a municipal corporation that withdraws or proposes by resolution to withdraw from a regional transit authority under section 306.55 of the Revised Code to provide transportation services for the movement of persons within, from, or to the municipal corporation;	56496 56497 56498 56499 56500

(YY) For any combination of the purposes specified in 56501
divisions (NN), (VV), and (WW) of this section. This division 56502
applies only to a county. 56503

(ZZ) For any combination of the following purposes: the 56504
acquisition, construction, improvement, or maintenance of 56505
buildings, equipment, and supplies for police, firefighting, or 56506
emergency medical services; the construction, reconstruction, 56507
resurfacing, or repair of streets, roads, and bridges; or for 56508
general infrastructure projects. This division applies only to a 56509
township or municipal corporation. 56510

(AAA) For any combination of the purposes specified in 56511
divisions (G), (K), (N), (O), (P), (X), (BB), and (MM) of this 56512
section, for the acquisition, construction or maintenance of 56513
county facilities, or for the acquisition of or improvements to 56514
land. This division applies only to a county. 56515

The resolution shall be confined to the purpose or purposes 56516
described in one division of this section, to which the revenue 56517
derived therefrom shall be applied. The existence in any other 56518
division of this section of authority to levy a tax for any part 56519
or all of the same purpose or purposes does not preclude the use 56520
of such revenues for any part of the purpose or purposes of the 56521
division under which the resolution is adopted. 56522

The resolution shall specify the amount of the increase in 56523
rate that it is necessary to levy, the purpose of that increase in 56524
rate, and the number of years during which the increase in rate 56525
shall be in effect, which may or may not include a levy upon the 56526
duplicate of the current year. The number of years may be any 56527
number not exceeding five, except as follows: 56528

(1) When the additional rate is for the payment of debt 56529
charges, the increased rate shall be for the life of the 56530
indebtedness. 56531

(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.65 and 2152.41 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or under both of those sections.

(3) When the additional rate is for either of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), ~~(JJ)~~, or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district.

(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution.

(5) When the increase is for the purpose set forth in division (ZZ) or (AAA) of this section, the tax levy may be for any number of years not exceeding ten.

A levy for one of the purposes set forth in division (G), (I), (J), ~~or (U)~~, or (JJ) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), ~~or (U)~~, or (JJ) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the

continuance of the levy is unnecessary and the levy shall be 56562
terminated or that the millage is excessive and the levy shall be 56563
decreased by a designated amount. 56564

A resolution of a detention facility district, a district 56565
organized under section 2151.65 of the Revised Code, or a combined 56566
district organized under both sections 2151.65 and 2152.41 of the 56567
Revised Code may include both current expenses and other purposes, 56568
provided that the resolution shall apportion the annual rate of 56569
levy between the current expenses and the other purpose or 56570
purposes. The apportionment need not be the same for each year of 56571
the levy, but the respective portions of the rate actually levied 56572
each year for the current expenses and the other purpose or 56573
purposes shall be limited by the apportionment. 56574

Whenever a board of county commissioners, acting either as 56575
the taxing authority of its county or as the taxing authority of a 56576
sewer district or subdistrict created under Chapter 6117. of the 56577
Revised Code, by resolution declares it necessary to levy a tax in 56578
excess of the ten-mill limitation for the purpose of constructing, 56579
improving, or extending sewage disposal plants or sewage systems, 56580
the tax may be in effect for any number of years not exceeding 56581
twenty, and the proceeds of the tax, notwithstanding the general 56582
provisions of this section, may be used to pay debt charges on any 56583
obligations issued and outstanding on behalf of the subdivision 56584
for the purposes enumerated in this paragraph, provided that any 56585
such obligations have been specifically described in the 56586
resolution. 56587

A resolution adopted by the legislative authority of a 56588
municipal corporation that is for the purpose in division (XX) of 56589
this section may be combined with the purpose provided in section 56590
306.55 of the Revised Code, by vote of two-thirds of all members 56591
of the legislative authority. The legislative authority may 56592
certify the resolution to the board of elections as a combined 56593

question. The question appearing on the ballot shall be as 56594
provided in section 5705.252 of the Revised Code. 56595

A levy for the purpose set forth in division (BB) of this 56596
section may be imposed in all or a portion of the territory of a 56597
subdivision. If the 9-1-1 system to be established and operated 56598
with levy funds excludes territory located within the subdivision, 56599
the resolution adopted under this section, or a resolution 56600
proposing to renew such a levy that was imposed in all of the 56601
territory of the subdivision, may describe the area served or to 56602
be served by the system and specify that the proposed tax would be 56603
imposed only in the areas receiving or to receive the service. 56604
Upon passage of such a resolution, the board of elections shall 56605
submit the question of the tax levy only to those electors 56606
residing in the area or areas in which the tax would be imposed. 56607
If the 9-1-1 system would serve the entire subdivision, the 56608
resolution shall not exclude territory from the tax levy. 56609

The resolution shall go into immediate effect upon its 56610
passage, and no publication of the resolution is necessary other 56611
than that provided for in the notice of election. 56612

When the electors of a subdivision or, in the case of a 56613
qualifying library levy for the support of a library association 56614
or private corporation, the electors of the association library 56615
district or, in the case of a 9-1-1 system levy serving only a 56616
portion of the territory of a subdivision, the electors of the 56617
portion of the subdivision in which the levy would be imposed have 56618
approved a tax levy under this section, the taxing authority of 56619
the subdivision may anticipate a fraction of the proceeds of the 56620
levy and issue anticipation notes in accordance with section 56621
5705.191 or 5705.193 of the Revised Code. 56622

Sec. 5709.121. (A) Real property and tangible personal 56623
property belonging to a charitable or educational institution or 56624

to the state or a political subdivision, shall be considered as 56625
used exclusively for charitable or public purposes by such 56626
institution, the state, or political subdivision, if it meets one 56627
of the following requirements: 56628

(1) It is used by such institution, the state, or political 56629
subdivision, or by one or more other such institutions, the state, 56630
or political subdivisions under a lease, sublease, or other 56631
contractual arrangement: 56632

(a) As a community or area center in which presentations in 56633
music, dramatics, the arts, and related fields are made in order 56634
to foster public interest and education therein; 56635

(b) As a children's, science, history, or natural history 56636
museum that is open to the general public; 56637

(c) For other charitable, educational, or public purposes. 56638

(2) It is made available under the direction or control of 56639
such institution, the state, or political subdivision for use in 56640
furtherance of or incidental to its charitable, educational, or 56641
public purposes and not with the view to profit. 56642

(3) It is used by an organization described in division (D) 56643
of section 5709.12 of the Revised Code. If the organization is a 56644
corporation that receives a grant under the Thomas Alva Edison 56645
grant program authorized by division (C) of section 122.33 of the 56646
Revised Code at any time during the tax year, "used," for the 56647
purposes of this division, includes holding property for lease or 56648
resale to others. 56649

(B)(1) Property described in division (A)(1)(a) or (b) of 56650
this section shall continue to be considered as used exclusively 56651
for charitable or public purposes even if the property is conveyed 56652
through one conveyance or a series of conveyances to an entity 56653
that is not a charitable or educational institution and is not the 56654

state or a political subdivision, provided that all of the 56655
following conditions apply with respect to that property: 56656

(a) The property was listed as exempt on the county auditor's 56657
tax list and duplicate for the county in which it is located for 56658
the tax year immediately preceding the year in which the property 56659
is conveyed through one conveyance or a series of conveyances; 56660

(b) The property is conveyed through one conveyance or a 56661
series of conveyances to an entity that does any of the following: 56662

(i) Leases at least forty-five per cent of the property, 56663
through one lease or a series of leases, to the entity that owned 56664
or occupied the property for the tax year immediately preceding 56665
the year in which the property is conveyed or to an affiliate of 56666
that entity; 56667

(ii) Contracts, directly or indirectly to have renovations 56668
performed as described in division (B)(1)(d) of this section and 56669
is at least partially owned by a nonprofit organization described 56670
in section 501(c)(3) of the Internal Revenue Code that is exempt 56671
from taxation under section 501(a) of that code. 56672

(c) The property includes improvements that are at least 56673
fifty years old; 56674

(d) The property is being renovated in connection with a 56675
claim for historic preservation tax credits available under 56676
federal law; 56677

(e) All or a portion of the property continues to be used for 56678
the purposes described in division (A)(1)(a) or (b) of this 56679
section after its conveyance; and 56680

(f) The property is certified by the United States secretary 56681
of the interior as a "certified historic structure" or certified 56682
as part of a certified historic structure. 56683

(2) Notwithstanding section 5715.27 of the Revised Code, an 56684

application for exemption from taxation of property described in 56685
division (B)(1) of this section may be filed by either the owner 56686
of the property or an occupant. 56687

(C) For purposes of this section, an institution that meets 56688
all of the following requirements is conclusively presumed to be a 56689
charitable institution: 56690

(1) The institution is a nonprofit corporation or 56691
association, no part of the net earnings of which inures to the 56692
benefit of any private shareholder or individual; 56693

(2) The institution is exempt from federal income taxation 56694
under section 501(a) of the Internal Revenue Code; 56695

(3) The majority of the institution's board of directors are 56696
appointed by the mayor or legislative authority of a municipal 56697
corporation or a board of county commissioners, or a combination 56698
thereof; 56699

(4) The primary purpose of the institution is to assist in 56700
the development and revitalization of downtown urban areas. 56701

(D) For purposes of division (A)(1)(b) of this section, the 56702
status of a museum as open to the general public shall be 56703
conclusive if the museum is accredited by the American alliance of 56704
museums or a successor organization. 56705

(E)(1) Qualifying real property owned by an institution that 56706
meets all of the following requirements shall be considered as 56707
used exclusively for charitable purposes, and the institution 56708
shall be considered a charitable institution for purposes of this 56709
section and section 5709.12 of the Revised Code: 56710

(a) The institution is an organization described under 56711
section 501(c)(3) of the Internal Revenue Code and exempt from 56712
federal income taxation under section 501(a) of the Internal 56713
Revenue Code. 56714

(b) The institution's primary purpose is to acquire, develop, lease, or otherwise provide suitable housing to individuals with developmental disabilities. 56715
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(c) The institution receives at least a portion of its funding from one or more county boards of developmental disabilities to assist in the institution's primary purpose described in division (E)(1)(b) of this section. 56718
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(2) As used in division (E) of this section, "qualifying real property" means real property that is used primarily in one of the following manners: 56722
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(a) The property is used by the institution described in division (E)(1) of this section for the purpose described in division (E)(1)(b) of this section. 56725
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(b) The property is leased or otherwise provided by the institution described in division (E)(1) of this section to individuals with developmental disabilities and used by those individuals as housing. 56728
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(c) The property is leased or otherwise provided by the institution described in division (E)(1) of this section to another charitable institution, and that charitable institution uses the property exclusively for charitable purposes. 56732
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(F)(1) Qualifying real property owned by an institution that meets all of the following requirements shall be considered as used exclusively for charitable purposes, and the institution shall be considered a charitable institution for purposes of this section and section 5709.12 of the Revised Code: 56736
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(a) The institution is either (i) an organization described under section 501(c)(3) of the Internal Revenue Code and exempt from federal income taxation under section 501(a) of the Internal Revenue Code that has as a primary purpose to acquire, develop, lease, or otherwise provide suitable supportive housing to 56741
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individuals diagnosed with mental illness or substance use disorder and to families residing with such individuals or (ii) a limited liability company or limited partnership whose controlling or managing member or partner either is an organization described in division (F)(1)(a)(i) of this section or is wholly owned by one or more such organizations. 56746
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(b) One or more of the tax-exempt organizations identified in division (F)(1)(a) of this section receives at least a portion of its funding to assist in the organization's primary purpose described in division (F)(1)(a)(i) of this section from the department of mental health and addiction services; one or more county boards of alcohol, drug addiction, and mental health services; or a local continuum of care program governed by 42 U.S.C. 11381, et seq. and 24 C.F.R. part 578. 56752
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(2) As used in division (F) of this section, "qualifying real property" means real property that is used primarily in one of the following manners: 56760
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(a) The property is used by the institution described in division (F)(1) of this section for the purpose described in division (F)(1)(a)(i) of this section. 56763
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(b) The institution (i) leases or otherwise provides the property to individuals diagnosed with mental illness or substance use disorder and to the families residing with such individuals and (ii) makes supportive services available to such individuals and families. 56766
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(c) The property is leased or otherwise provided by that institution to another charitable institution, and that charitable institution uses the property exclusively for charitable purposes. 56771
56772
56773

Sec. 5709.21. (A) As used in this section: 56774

(1) "Exclusive property" means real and personal property 56775

that is installed, used, and necessary for the operation of an 56776
exempt facility, and that is not auxiliary property unless the 56777
auxiliary property exempt cost equals or exceeds eighty-five per 56778
cent of the total cost of the property. 56779

(2) "Auxiliary property" means personal property installed, 56780
used, and necessary for the operation of an exempt facility that 56781
is also used in other operations of the business other than an 56782
exempt facility purpose described in section 5709.20 of the 56783
Revised Code. "Auxiliary property" does not include property with 56784
an auxiliary property exempt cost that is less than or equal to 56785
fifteen per cent of the total cost of such property. 56786

(3) "Auxiliary property exempt cost" means the cost of 56787
auxiliary property calculated as follows: 56788

(a) If the auxiliary property is used for an exempt facility 56789
purpose for discrete periods of time, the exempt cost shall be 56790
determined by the ratio of time the auxiliary property is in use 56791
in such exempt capacity to the total time it is in use. Division 56792
(A)(3)(a) of this section does not apply if the property is 56793
concurrently used for an exempt facility purpose and a nonexempt 56794
facility purpose. 56795

(b) The applicant has the burden of proving the exempt cost 56796
of all auxiliary property not described in division (A)(3)(a) of 56797
this section. 56798

(c) Any cost related to an expansion of the commercial or 56799
industrial site that is not related to the operation of the exempt 56800
facility shall not be included as an auxiliary exempt cost under 56801
division (A)(3) of this section. 56802

(B) ~~Application~~ An application for an exempt facility 56803
certificate shall be filed with the tax commissioner in such 56804
manner and in such form as prescribed by the tax commissioner. The 56805
application shall contain plans and specifications of the 56806

property, including all materials incorporated or to be 56807
incorporated therein and their associated costs, ~~and~~ a descriptive 56808
list of all equipment acquired or to be acquired by the applicant 56809
for the exempt facility and its associated cost, and a list of 56810
exclusive property installed, used, and necessary for the 56811
operation of the exempt facility. If the commissioner finds that 56812
the property was designed primarily as an exempt facility and is 56813
suitable and reasonably adequate for such purpose and is intended 56814
for such purpose, the commissioner shall enter a finding and issue 56815
a certificate to that effect. The effective date of the 56816
certificate shall be the date the application was made for such 56817
certificate or the date of the construction of the facility, 56818
whichever is earlier. 56819

Nothing in this section shall be construed to extend the time 56820
period to file, to keep the time period to file open, or supersede 56821
the requirement of filing a tax refund or other tax reduction 56822
request in the manner and within the time prescribed by law. 56823

(C)(1) Except as provided in division (C)(2) of this section, 56824
the exempt facility certificate shall permit tax exemption 56825
pursuant to section 5709.25 of the Revised Code only for that 56826
portion of such exempt facility that is exclusive property used 56827
for a purpose enumerated in section 5709.20 of the Revised Code. 56828

(2) Auxiliary property shall be permitted a partial tax 56829
exemption under section 5709.25 of the Revised Code, but only to 56830
the extent allowed pursuant to division (A)(3) of this section. 56831

(D) The tax commissioner may allow an applicant to file one 56832
application that applies to more than one exempt facility that are 56833
the same or substantially similar, so long as such facilities are 56834
located within the same county. 56835

Sec. 5726.20. (A) The tax commissioner may make an 56836
assessment, based on any information in the commissioner's 56837

possession, against any person that fails to file a return or 56838
report or pay any tax as required by this chapter. The reporting 56839
person for a taxpayer shall file the annual report required under 56840
section ~~5726.02~~ 5726.03 of the Revised Code and remit the tax 56841
imposed by this chapter. Each person included in the annual report 56842
of the taxpayer is jointly and severally liable for the tax 56843
imposed by this chapter and any penalties and interest thereon. If 56844
the reporting person fails, for any reason, to file and remit any 56845
tax, the amount due may be collected by assessment against the 56846
reporting person and against any or all other persons required to 56847
be included in the annual report of the taxpayer as provided in 56848
section 5703.90 of the Revised Code. The commissioner shall make 56849
the assessment in the manner provided in this section. The 56850
commissioner shall give the person assessed written notice of the 56851
assessment as provided in section 5703.37 of the Revised Code. 56852
With the notice, the commissioner shall provide instructions on 56853
the manner in which to petition for reassessment and request a 56854
hearing with respect to the petition. 56855

(B) No assessment shall be made or issued against a person 56856
under this section more than four years after the later of the 56857
final date the report subject to assessment was required to be 56858
filed or the date such report was filed. Such time limit may be 56859
extended if both the person and the commissioner consent in 56860
writing to the extension or if an agreement waiving or extending 56861
the time limit has been entered into pursuant to section 122.171 56862
of the Revised Code. Any such extension shall extend the four-year 56863
time limit prescribed in division (A) of section 5726.30 of the 56864
Revised Code for the same period of time. There shall be no bar or 56865
limit to an assessment against a person that fails to file a 56866
report subject to assessment as required by this chapter, or that 56867
files a fraudulent report. 56868

(C) Unless the person assessed, within sixty days after 56869

service of the notice of assessment, files with the tax 56870
commissioner, either in person or by certified mail, a written 56871
petition for reassessment signed by the person or the person's 56872
authorized agent having knowledge of the facts, the assessment 56873
shall become final, and the amount of the assessment is due and 56874
payable from the person assessed to the treasurer of state. A 56875
petition shall indicate the objections of the person assessed, but 56876
additional objections may be raised in writing if received by the 56877
commissioner prior to the date shown on the final determination. 56878
If a petition for reassessment has been properly filed, the 56879
commissioner shall proceed under section 5703.60 of the Revised 56880
Code. 56881

(D)(1) After an assessment becomes final, if any portion of 56882
the assessment, including any accrued interest, remains unpaid, a 56883
certified copy of the tax commissioner's entry making the 56884
assessment final may be filed in the office of the clerk of the 56885
court of common pleas in the county in which the person resides or 56886
has its principal place of business in this state, or in the 56887
office of the clerk of court of common pleas of Franklin county. 56888

(2) Immediately upon the filing of the entry, the clerk shall 56889
enter judgment for the state against the person assessed in the 56890
amount shown on the entry. The judgment may be filed by the clerk 56891
in a loose-leaf book entitled, "special judgments for the 56892
financial institution tax" and shall have the same effect as other 56893
judgments. Execution shall issue upon the judgment at the request 56894
of the tax commissioner, and all laws applicable to sales on 56895
execution shall apply to sales made under the judgment. 56896

(3) If the assessment is not paid in its entirety within 56897
sixty days after the day the assessment was issued, the portion of 56898
the assessment consisting of tax due shall bear interest at the 56899
rate per annum prescribed by section 5703.47 of the Revised Code 56900
from the date the tax commissioner issues the assessment until the 56901

date the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(E) If the tax commissioner believes that collection of the tax imposed by this chapter will be jeopardized unless proceedings to collect or secure collection of the tax are instituted without delay, the commissioner may issue a jeopardy assessment against the person liable for the tax. Immediately upon the issuance of the jeopardy assessment, the commissioner shall file an entry with the clerk of the court of common pleas in the manner prescribed by division (D) of this section. Notice of the jeopardy assessment shall be served on the person assessed or the person's authorized agent in the manner provided in section 5703.37 of the Revised Code within five days of the filing of the entry with the clerk. The total amount assessed shall be immediately due and payable, unless the person assessed files a petition for reassessment in accordance with division (C) of this section and provides security in a form satisfactory to the commissioner and in an amount sufficient to satisfy the unpaid balance of the assessment. Full or partial payment of the assessment shall not prejudice the commissioner's consideration of the petition for reassessment.

(F) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives under this section. Such amounts shall be considered as revenue arising from the tax imposed by this chapter.

(G) If the tax commissioner possesses information indicating 56934
that the amount of tax a taxpayer is required to pay under this 56935
chapter exceeds the amount the reporting person for the taxpayer 56936
paid, the tax commissioner may audit a sample of the taxpayer's 56937
gross receipts over a representative period of time to ascertain 56938
the amount of tax due, and may issue an assessment based on the 56939
audit. The tax commissioner shall make a good faith effort to 56940
reach agreement with the taxpayer in selecting a representative 56941
sample. The tax commissioner may apply a sampling method only if 56942
the commissioner has prescribed the method by rule. 56943

(H) If the whereabouts of a person subject to this chapter is 56944
not known to the tax commissioner, the secretary of state is 56945
hereby deemed to be that person's agent for purposes of service of 56946
process or notice of any assessment, action, or proceedings 56947
instituted in this state against the person under this chapter. 56948
Such process or notice shall be served on such person by the 56949
commissioner or by an agent of the commissioner by leaving a true 56950
and attested copy of the process or notice at the office of the 56951
secretary of state at least fifteen days before the return day of 56952
such process or notice, and by sending a copy of the process or 56953
notice to such person by ordinary mail, with an endorsement 56954
thereon of the service upon the secretary of state, addressed to 56955
such person at the person's last known address. 56956

Sec. 5731.21. (A)(1)(a) Except as provided under division 56957
(A)(3) of this section, the executor or administrator, or, if no 56958
executor or administrator has been appointed, another person in 56959
possession of property the transfer of which is subject to estate 56960
taxes under section 5731.02 or division (A) of section 5731.19 of 56961
the Revised Code, shall file an estate tax return, within nine 56962
months of the date of the decedent's death, in the form prescribed 56963
by the tax commissioner, in duplicate, with the probate court of 56964
the county. The return shall include all property the transfer of 56965

which is subject to estate taxes, whether that property is 56966
transferred under the last will and testament of the decedent or 56967
otherwise. The time for filing the return may be extended by the 56968
tax commissioner. 56969

(b) The estate tax return described in division (A)(1)(a) of 56970
this section shall be accompanied by a certificate, in the form 56971
prescribed by the tax commissioner, that is signed by the 56972
executor, administrator, or other person required to file the 56973
return, and that states all of the following: 56974

(i) The fact that the return was filed; 56975

(ii) The date of the filing of the return; 56976

(iii) The fact that the estate taxes under section 5731.02 or 56977
division (A) of section 5731.19 of the Revised Code, that are 56978
shown to be due in the return, have been paid in full; 56979

(iv) If applicable, the fact that real property listed in the 56980
inventory for the decedent's estate is included in the return; 56981

(v) If applicable, the fact that real property not listed in 56982
the inventory for the decedent's estate, including, but not 56983
limited to, survivorship tenancy property as described in section 56984
5302.17 of the Revised Code or transfer on death property as 56985
described in sections 5302.22 and 5302.23 of the Revised Code, 56986
also is included in the return. In this regard, the certificate 56987
additionally shall describe that real property by the same 56988
description used in the return. 56989

(2) The probate court shall forward one copy of the estate 56990
tax return described in division (A)(1)(a) of this section to the 56991
tax commissioner. 56992

(3) A person shall not be required to file a return under 56993
division (A) of this section if the decedent was a resident of 56994
this state and the value of the decedent's gross estate is 56995

twenty-five thousand dollars or less in the case of a decedent 56996
dying on or after July 1, 1968, but before January 1, 2001; two 56997
hundred thousand dollars or less in the case of a decedent dying 56998
on or after January 1, 2001, but before January 1, 2002; or three 56999
hundred thirty-eight thousand three hundred thirty-three dollars 57000
or less in the case of a decedent dying on or after January 1, 57001
2002. No return shall be filed for estates of decedents dying on 57002
or after January 1, 2013. 57003

(4)(a) Upon receipt of the estate tax return described in 57004
division (A)(1)(a) of this section and the accompanying 57005
certificate described in division (A)(1)(b) of this section, the 57006
probate court promptly shall give notice of the return, by a form 57007
prescribed by the tax commissioner, to the county auditor. The 57008
auditor then shall make a charge based upon the notice and shall 57009
certify a duplicate of the charge to the county treasurer. The 57010
treasurer then shall collect, subject to division (A) of section 57011
5731.25 of the Revised Code or any other statute extending the 57012
time for payment of an estate tax, the tax so charged. 57013

(b) Upon receipt of the return and the accompanying 57014
certificate, the probate court also shall forward the certificate 57015
to the auditor. When satisfied that the estate taxes under section 57016
5731.02 or division (A) of section 5731.19 of the Revised Code, 57017
that are shown to be due in the return, have been paid in full, 57018
the auditor shall stamp the certificate so forwarded to verify 57019
that payment. The auditor then shall return the stamped 57020
certificate to the probate court. 57021

(5)(a) The certificate described in division (A)(1)(b) of 57022
this section is a public record subject to inspection and copying 57023
in accordance with section 149.43 of the Revised Code. It shall be 57024
kept in the records of the probate court pertaining to the 57025
decedent's estate and is not subject to the confidentiality 57026
provisions of section 5731.90 of the Revised Code. 57027

(b) All persons are entitled to rely on the statements 57028
contained in a certificate as described in division (A)(1)(b) of 57029
this section if it has been filed in accordance with that 57030
division, forwarded to a county auditor and stamped in accordance 57031
with division (A)(4) of this section, and placed in the records of 57032
the probate court pertaining to the decedent's estate in 57033
accordance with division (A)(5)(a) of this section. The real 57034
property referred to in the certificate shall be free of, and may 57035
be regarded by all persons as being free of, any lien for estate 57036
taxes under section 5731.02 and division (A) of section 5731.19 of 57037
the Revised Code. 57038

(B) An estate tax return filed under this section, in the 57039
form prescribed by the tax commissioner, and showing that no 57040
estate tax is due shall result in a determination that no estate 57041
tax is due, if the tax commissioner within three months after the 57042
receipt of the return by the department of taxation, fails to file 57043
exceptions to the return in the probate court of the county in 57044
which the return was filed. A copy of exceptions to a return of 57045
that nature, when the tax commissioner files them within that 57046
period, shall be sent by ordinary mail to the person who filed the 57047
return. The tax commissioner is not bound under this division by a 57048
determination that no estate tax is due, with respect to property 57049
not disclosed in the return. 57050

(C) If the executor, administrator, or other person required 57051
to file an estate tax return fails to file it within nine months 57052
of the date of the decedent's death, the tax commissioner may 57053
determine the estate tax in that estate and issue a certificate of 57054
determination in the same manner as is provided in division (B) of 57055
section 5731.27 of the Revised Code. A certificate of 57056
determination of that nature has the same force and effect as 57057
though a return had been filed and a certificate of determination 57058
issued with respect to the return. 57059

(D) No return shall be filed under this section or section 5731.24 of the Revised Code, and no tax shall be due under this chapter, with respect to either of the following: 57060
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(1) Property first discovered after December 31, 2021, that would otherwise be subject to the tax imposed by this chapter; 57063
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(2) Property first discovered on or before December 31, 2021, but not disclosed on a return or included in a certificate of determination issued by the tax commissioner on or before December 31, 2021. 57065
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Nothing in this division shall be construed to affect any estate tax liability determined by the tax commissioner for returns filed on or before December 31, 2021, or any tax liability determined under an agreement entered into under division (C) of section 5731.26 of the Revised Code. The estate shall pay any such liability. 57069
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Sec. 5731.24. ~~¶~~ Except as provided in division (D) of section 5731.21 of the Revised Code, if an additional tax prescribed by section 5731.18 of the Revised Code is due, the executor, administrator, or other person required to file the estate tax return, within sixty days after the date of the final determination of the federal estate tax liability, shall file an additional tax return, in the form prescribed by the tax commissioner, in the same manner as is prescribed for the filing of the estate tax return. Subject to division (A) of section 5731.25 of the Revised Code or any other ~~state~~ statute extending the time for payment of an estate tax, the additional tax shall be paid, without notice or demand by the tax commissioner, with the return, and shall be charged and collected in the same manner as the estate tax, except that no interest shall accrue until sixty days after the date of the final determination of the federal estate tax liability. 57075
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Sec. 5731.28. If any debts deductible under section 5731.16 57091
of the Revised Code are proved against the gross estate after the 57092
tax levied by section 5731.02 or division (A) of section 5731.19 57093
of the Revised Code has been determined, or if the determination 57094
of taxes so made is erroneous due to a mistake of fact or law, a 57095
claim for refund of tax may be filed by an executor, 57096
administrator, trustee, person in possession of property subject 57097
to tax, or any transferee thereof, within three years from the 57098
time the return was required to be filed (determined without 57099
regard to any extension of time for filing) or before January 1, 57100
2022, whichever is earlier, in the form prescribed by the tax 57101
commissioner. The claim for refund shall be filed in the same 57102
manner as is prescribed for the filing of a return in section 57103
5731.21 of the Revised Code and the determination of its 57104
correctness shall be made in the same manner as is provided for in 57105
the case of the return itself. 57106

Sec. 5731.41. To enforce section 5731.39 of the Revised Code, 57107
and to administer Chapters 5713. and 4503. of the Revised Code the 57108
tax commissioner may appoint agents in the unclassified civil 57109
service who shall perform such duties as are prescribed by the 57110
commissioner. Such agents shall, as compensation, receive annually 57111
eight cents per capita for each full one thousand of the first 57112
twenty thousand of the population of the county and two cents per 57113
capita for each full one thousand over twenty thousand of the 57114
population of the county, as shown by the ~~last~~ 2010 federal 57115
census, which shall be paid in equal monthly installments from the 57116
undivided inheritance or estate tax fund in the county treasury on 57117
the warrant of the county auditor or, if the balance of that fund 57118
is not sufficient to make such payments, from the county real 57119
estate assessment fund pursuant to division (B)(6) of section 57120
325.31 of the Revised Code, any other provision of law to the 57121

contrary notwithstanding. The amount paid to any agent in the 57122
unclassified service for all of the duties performed under this 57123
section, as directed by the commissioner, shall not exceed three 57124
thousand nor be less than twelve hundred dollars in any calendar 57125
year. 57126

Sec. 5739.02. For the purpose of providing revenue with which 57127
to meet the needs of the state, for the use of the general revenue 57128
fund of the state, for the purpose of securing a thorough and 57129
efficient system of common schools throughout the state, for the 57130
purpose of affording revenues, in addition to those from general 57131
property taxes, permitted under constitutional limitations, and 57132
from other sources, for the support of local governmental 57133
functions, and for the purpose of reimbursing the state for the 57134
expense of administering this chapter, an excise tax is hereby 57135
levied on each retail sale made in this state. 57136

(A)(1) The tax shall be collected as provided in section 57137
5739.025 of the Revised Code. The rate of the tax shall be five 57138
and three-fourths per cent. The tax applies and is collectible 57139
when the sale is made, regardless of the time when the price is 57140
paid or delivered. 57141

(2) In the case of the lease or rental, with a fixed term of 57142
more than thirty days or an indefinite term with a minimum period 57143
of more than thirty days, of any motor vehicles designed by the 57144
manufacturer to carry a load of not more than one ton, watercraft, 57145
outboard motor, or aircraft, or of any tangible personal property, 57146
other than motor vehicles designed by the manufacturer to carry a 57147
load of more than one ton, to be used by the lessee or renter 57148
primarily for business purposes, the tax shall be collected by the 57149
vendor at the time the lease or rental is consummated and shall be 57150
calculated by the vendor on the basis of the total amount to be 57151
paid by the lessee or renter under the lease agreement. If the 57152

total amount of the consideration for the lease or rental includes 57153
amounts that are not calculated at the time the lease or rental is 57154
executed, the tax shall be calculated and collected by the vendor 57155
at the time such amounts are billed to the lessee or renter. In 57156
the case of an open-end lease or rental, the tax shall be 57157
calculated by the vendor on the basis of the total amount to be 57158
paid during the initial fixed term of the lease or rental, and for 57159
each subsequent renewal period as it comes due. As used in this 57160
division, "motor vehicle" has the same meaning as in section 57161
4501.01 of the Revised Code, and "watercraft" includes an outdrive 57162
unit attached to the watercraft. 57163

A lease with a renewal clause and a termination penalty or 57164
similar provision that applies if the renewal clause is not 57165
exercised is presumed to be a sham transaction. In such a case, 57166
the tax shall be calculated and paid on the basis of the entire 57167
length of the lease period, including any renewal periods, until 57168
the termination penalty or similar provision no longer applies. 57169
The taxpayer shall bear the burden, by a preponderance of the 57170
evidence, that the transaction or series of transactions is not a 57171
sham transaction. 57172

(3) Except as provided in division (A)(2) of this section, in 57173
the case of a sale, the price of which consists in whole or in 57174
part of the lease or rental of tangible personal property, the tax 57175
shall be measured by the installments of that lease or rental. 57176

(4) In the case of a sale of a physical fitness facility 57177
service or recreation and sports club service, the price of which 57178
consists in whole or in part of a membership for the receipt of 57179
the benefit of the service, the tax applicable to the sale shall 57180
be measured by the installments thereof. 57181

(B) The tax does not apply to the following: 57182

(1) Sales to the state or any of its political subdivisions, 57183

or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6)(a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;

(b) Sales of motor fuel other than that described in division (B)(6)(a) of this section and used for powering a refrigeration unit on a vehicle other than one used primarily to provide comfort to the operator or occupants of the vehicle.

(7) Sales of natural gas by a natural gas company or municipal gas utility, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is

delivered to consumers through pipes or conduits, and all sales of 57215
communications services by a telegraph company, all terms as 57216
defined in section 5727.01 of the Revised Code, and sales of 57217
electricity delivered through wires; 57218

(8) Casual sales by a person, or auctioneer employed directly 57219
by the person to conduct such sales, except as to such sales of 57220
motor vehicles, watercraft or outboard motors required to be 57221
titled under section 1548.06 of the Revised Code, watercraft 57222
documented with the United States coast guard, snowmobiles, and 57223
all-purpose vehicles as defined in section 4519.01 of the Revised 57224
Code; 57225

(9)(a) Sales of services or tangible personal property, other 57226
than motor vehicles, mobile homes, and manufactured homes, by 57227
churches, organizations exempt from taxation under section 57228
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 57229
organizations operated exclusively for charitable purposes as 57230
defined in division (B)(12) of this section, provided that the 57231
number of days on which such tangible personal property or 57232
services, other than items never subject to the tax, are sold does 57233
not exceed six in any calendar year, except as otherwise provided 57234
in division (B)(9)(b) of this section. If the number of days on 57235
which such sales are made exceeds six in any calendar year, the 57236
church or organization shall be considered to be engaged in 57237
business and all subsequent sales by it shall be subject to the 57238
tax. In counting the number of days, all sales by groups within a 57239
church or within an organization shall be considered to be sales 57240
of that church or organization. 57241

(b) The limitation on the number of days on which tax-exempt 57242
sales may be made by a church or organization under division 57243
(B)(9)(a) of this section does not apply to sales made by student 57244
clubs and other groups of students of a primary or secondary 57245
school, or a parent-teacher association, booster group, or similar 57246

organization that raises money to support or fund curricular or 57247
extracurricular activities of a primary or secondary school. 57248

(c) Divisions (B)(9)(a) and (b) of this section do not apply 57249
to sales by a noncommercial educational radio or television 57250
broadcasting station. 57251

(10) Sales not within the taxing power of this state under 57252
the Constitution or laws of the United States or the Constitution 57253
of this state; 57254

(11) Except for transactions that are sales under division 57255
(B)(3)(r) of section 5739.01 of the Revised Code, the 57256
transportation of persons or property, unless the transportation 57257
is by a private investigation and security service; 57258

(12) Sales of tangible personal property or services to 57259
churches, to organizations exempt from taxation under section 57260
501(c)(3) of the Internal Revenue Code of 1986, and to any other 57261
nonprofit organizations operated exclusively for charitable 57262
purposes in this state, no part of the net income of which inures 57263
to the benefit of any private shareholder or individual, and no 57264
substantial part of the activities of which consists of carrying 57265
on propaganda or otherwise attempting to influence legislation; 57266
sales to offices administering one or more homes for the aged or 57267
one or more hospital facilities exempt under section 140.08 of the 57268
Revised Code; and sales to organizations described in division (D) 57269
of section 5709.12 of the Revised Code. 57270

"Charitable purposes" means the relief of poverty; the 57271
improvement of health through the alleviation of illness, disease, 57272
or injury; the operation of an organization exclusively for the 57273
provision of professional, laundry, printing, and purchasing 57274
services to hospitals or charitable institutions; the operation of 57275
a home for the aged, as defined in section 5701.13 of the Revised 57276
Code; the operation of a radio or television broadcasting station 57277

that is licensed by the federal communications commission as a 57278
noncommercial educational radio or television station; the 57279
operation of a nonprofit animal adoption service or a county 57280
humane society; the promotion of education by an institution of 57281
learning that maintains a faculty of qualified instructors, 57282
teaches regular continuous courses of study, and confers a 57283
recognized diploma upon completion of a specific curriculum; the 57284
operation of a parent-teacher association, booster group, or 57285
similar organization primarily engaged in the promotion and 57286
support of the curricular or extracurricular activities of a 57287
primary or secondary school; the operation of a community or area 57288
center in which presentations in music, dramatics, the arts, and 57289
related fields are made in order to foster public interest and 57290
education therein; the production of performances in music, 57291
dramatics, and the arts; or the promotion of education by an 57292
organization engaged in carrying on research in, or the 57293
dissemination of, scientific and technological knowledge and 57294
information primarily for the public. 57295

Nothing in this division shall be deemed to exempt sales to 57296
any organization for use in the operation or carrying on of a 57297
trade or business, or sales to a home for the aged for use in the 57298
operation of independent living facilities as defined in division 57299
(A) of section 5709.12 of the Revised Code. 57300

(13) Building and construction materials and services sold to 57301
construction contractors for incorporation into a structure or 57302
improvement to real property under a construction contract with 57303
this state or a political subdivision of this state, or with the 57304
United States government or any of its agencies; building and 57305
construction materials and services sold to construction 57306
contractors for incorporation into a structure or improvement to 57307
real property that are accepted for ownership by this state or any 57308
of its political subdivisions, or by the United States government 57309

or any of its agencies at the time of completion of the structures 57310
or improvements; building and construction materials sold to 57311
construction contractors for incorporation into a horticulture 57312
structure or livestock structure for a person engaged in the 57313
business of horticulture or producing livestock; building 57314
materials and services sold to a construction contractor for 57315
incorporation into a house of public worship or religious 57316
education, or a building used exclusively for charitable purposes 57317
under a construction contract with an organization whose purpose 57318
is as described in division (B)(12) of this section; building 57319
materials and services sold to a construction contractor for 57320
incorporation into a building under a construction contract with 57321
an organization exempt from taxation under section 501(c)(3) of 57322
the Internal Revenue Code of 1986 when the building is to be used 57323
exclusively for the organization's exempt purposes; building and 57324
construction materials sold for incorporation into the original 57325
construction of a sports facility under section 307.696 of the 57326
Revised Code; building and construction materials and services 57327
sold to a construction contractor for incorporation into real 57328
property outside this state if such materials and services, when 57329
sold to a construction contractor in the state in which the real 57330
property is located for incorporation into real property in that 57331
state, would be exempt from a tax on sales levied by that state; 57332
building and construction materials for incorporation into a 57333
transportation facility pursuant to a public-private agreement 57334
entered into under sections 5501.70 to 5501.83 of the Revised 57335
Code; and, until one calendar year after the construction of a 57336
convention center that qualifies for property tax exemption under 57337
section 5709.084 of the Revised Code is completed, building and 57338
construction materials and services sold to a construction 57339
contractor for incorporation into the real property comprising 57340
that convention center; 57341

(14) Sales of ships or vessels or rail rolling stock used or 57342

to be used principally in interstate or foreign commerce, and 57343
repairs, alterations, fuel, and lubricants for such ships or 57344
vessels or rail rolling stock; 57345

(15) Sales to persons primarily engaged in any of the 57346
activities mentioned in division (B)(42)(a), (g), or (h) of this 57347
section, to persons engaged in making retail sales, or to persons 57348
who purchase for sale from a manufacturer tangible personal 57349
property that was produced by the manufacturer in accordance with 57350
specific designs provided by the purchaser, of packages, including 57351
material, labels, and parts for packages, and of machinery, 57352
equipment, and material for use primarily in packaging tangible 57353
personal property produced for sale, including any machinery, 57354
equipment, and supplies used to make labels or packages, to 57355
prepare packages or products for labeling, or to label packages or 57356
products, by or on the order of the person doing the packaging, or 57357
sold at retail. "Packages" includes bags, baskets, cartons, 57358
crates, boxes, cans, bottles, bindings, wrappings, and other 57359
similar devices and containers, but does not include motor 57360
vehicles or bulk tanks, trailers, or similar devices attached to 57361
motor vehicles. "Packaging" means placing in a package. Division 57362
(B)(15) of this section does not apply to persons engaged in 57363
highway transportation for hire. 57364

(16) Sales of food to persons using supplemental nutrition 57365
assistance program benefits to purchase the food. As used in this 57366
division, "food" has the same meaning as in 7 U.S.C. 2012 and 57367
federal regulations adopted pursuant to the Food and Nutrition Act 57368
of 2008. 57369

(17) Sales to persons engaged in farming, agriculture, 57370
horticulture, or floriculture, of tangible personal property for 57371
use or consumption primarily in the production by farming, 57372
agriculture, horticulture, or floriculture of other tangible 57373
personal property for use or consumption primarily in the 57374

production of tangible personal property for sale by farming, 57375
agriculture, horticulture, or floriculture; or material and parts 57376
for incorporation into any such tangible personal property for use 57377
or consumption in production; and of tangible personal property 57378
for such use or consumption in the conditioning or holding of 57379
products produced by and for such use, consumption, or sale by 57380
persons engaged in farming, agriculture, horticulture, or 57381
floriculture, except where such property is incorporated into real 57382
property; 57383

(18) Sales of drugs for a human being that may be dispensed 57384
only pursuant to a prescription; insulin as recognized in the 57385
official United States pharmacopoeia; urine and blood testing 57386
materials when used by diabetics or persons with hypoglycemia to 57387
test for glucose or acetone; hypodermic syringes and needles when 57388
used by diabetics for insulin injections; epoetin alfa when 57389
purchased for use in the treatment of persons with medical 57390
disease; hospital beds when purchased by hospitals, nursing homes, 57391
or other medical facilities; and medical oxygen and medical 57392
oxygen-dispensing equipment when purchased by hospitals, nursing 57393
homes, or other medical facilities; 57394

(19) Sales of prosthetic devices, durable medical equipment 57395
for home use, or mobility enhancing equipment, when made pursuant 57396
to a prescription and when such devices or equipment are for use 57397
by a human being. 57398

(20) Sales of emergency and fire protection vehicles and 57399
equipment to nonprofit organizations for use solely in providing 57400
fire protection and emergency services, including trauma care and 57401
emergency medical services, for political subdivisions of the 57402
state; 57403

(21) Sales of tangible personal property manufactured in this 57404
state, if sold by the manufacturer in this state to a retailer for 57405
use in the retail business of the retailer outside of this state 57406

and if possession is taken from the manufacturer by the purchaser 57407
within this state for the sole purpose of immediately removing the 57408
same from this state in a vehicle owned by the purchaser; 57409

(22) Sales of services provided by the state or any of its 57410
political subdivisions, agencies, instrumentalities, institutions, 57411
or authorities, or by governmental entities of the state or any of 57412
its political subdivisions, agencies, instrumentalities, 57413
institutions, or authorities; 57414

(23) Sales of motor vehicles to nonresidents of this state 57415
under the circumstances described in division (B) of section 57416
5739.029 of the Revised Code; 57417

(24) Sales to persons engaged in the preparation of eggs for 57418
sale of tangible personal property used or consumed directly in 57419
such preparation, including such tangible personal property used 57420
for cleaning, sanitizing, preserving, grading, sorting, and 57421
classifying by size; packages, including material and parts for 57422
packages, and machinery, equipment, and material for use in 57423
packaging eggs for sale; and handling and transportation equipment 57424
and parts therefor, except motor vehicles licensed to operate on 57425
public highways, used in intraplant or interplant transfers or 57426
shipment of eggs in the process of preparation for sale, when the 57427
plant or plants within or between which such transfers or 57428
shipments occur are operated by the same person. "Packages" 57429
includes containers, cases, baskets, flats, fillers, filler flats, 57430
cartons, closure materials, labels, and labeling materials, and 57431
"packaging" means placing therein. 57432

(25)(a) Sales of water to a consumer for residential use; 57433

(b) Sales of water by a nonprofit corporation engaged 57434
exclusively in the treatment, distribution, and sale of water to 57435
consumers, if such water is delivered to consumers through pipes 57436
or tubing. 57437

(26) Fees charged for inspection or reinspection of motor vehicles under section 3704.14 of the Revised Code;	57438 57439
(27) Sales to persons licensed to conduct a food service operation pursuant to section 3717.43 of the Revised Code, of tangible personal property primarily used directly for the following:	57440 57441 57442 57443
(a) To prepare food for human consumption for sale;	57444
(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	57445 57446 57447 57448
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	57449 57450
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	57451 57452
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	57453 57454 57455 57456
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	57457 57458 57459
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	57460 57461 57462
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the	57463 57464 57465 57466 57467

transportation of tangible personal property; 57468

(33) Sales to the state headquarters of any veterans' 57469
organization in this state that is either incorporated and issued 57470
a charter by the congress of the United States or is recognized by 57471
the United States veterans administration, for use by the 57472
headquarters; 57473

(34) Sales to a telecommunications service vendor, mobile 57474
telecommunications service vendor, or satellite broadcasting 57475
service vendor of tangible personal property and services used 57476
directly and primarily in transmitting, receiving, switching, or 57477
recording any interactive, one- or two-way electromagnetic 57478
communications, including voice, image, data, and information, 57479
through the use of any medium, including, but not limited to, 57480
poles, wires, cables, switching equipment, computers, and record 57481
storage devices and media, and component parts for the tangible 57482
personal property. The exemption provided in this division shall 57483
be in lieu of all other exemptions under division (B)(42)(a) or 57484
(n) of this section to which the vendor may otherwise be entitled, 57485
based upon the use of the thing purchased in providing the 57486
telecommunications, mobile telecommunications, or satellite 57487
broadcasting service. 57488

(35)(a) Sales where the purpose of the consumer is to use or 57489
consume the things transferred in making retail sales and 57490
consisting of newspaper inserts, catalogues, coupons, flyers, gift 57491
certificates, or other advertising material that prices and 57492
describes tangible personal property offered for retail sale. 57493

(b) Sales to direct marketing vendors of preliminary 57494
materials such as photographs, artwork, and typesetting that will 57495
be used in printing advertising material; and of printed matter 57496
that offers free merchandise or chances to win sweepstake prizes 57497
and that is mailed to potential customers with advertising 57498
material described in division (B)(35)(a) of this section; 57499

(c) Sales of equipment such as telephones, computers, 57500
facsimile machines, and similar tangible personal property 57501
primarily used to accept orders for direct marketing retail sales. 57502

(d) Sales of automatic food vending machines that preserve 57503
food with a shelf life of forty-five days or less by refrigeration 57504
and dispense it to the consumer. 57505

For purposes of division (B)(35) of this section, "direct 57506
marketing" means the method of selling where consumers order 57507
tangible personal property by United States mail, delivery 57508
service, or telecommunication and the vendor delivers or ships the 57509
tangible personal property sold to the consumer from a warehouse, 57510
catalogue distribution center, or similar fulfillment facility by 57511
means of the United States mail, delivery service, or common 57512
carrier. 57513

(36) Sales to a person engaged in the business of 57514
horticulture or producing livestock of materials to be 57515
incorporated into a horticulture structure or livestock structure; 57516

(37) Sales of personal computers, computer monitors, computer 57517
keyboards, modems, and other peripheral computer equipment to an 57518
individual who is licensed or certified to teach in an elementary 57519
or a secondary school in this state for use by that individual in 57520
preparation for teaching elementary or secondary school students; 57521

(38) Sales of tangible personal property that is not required 57522
to be registered or licensed under the laws of this state to a 57523
citizen of a foreign nation that is not a citizen of the United 57524
States, provided the property is delivered to a person in this 57525
state that is not a related member of the purchaser, is physically 57526
present in this state for the sole purpose of temporary storage 57527
and package consolidation, and is subsequently delivered to the 57528
purchaser at a delivery address in a foreign nation. As used in 57529
division (B)(38) of this section, "related member" has the same 57530

meaning as in section 5733.042 of the Revised Code, and "temporary storage" means the storage of tangible personal property for a period of not more than sixty days.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a

part into tangible personal property to be produced for sale by 57562
manufacturing, assembling, processing, or refining; or to use or 57563
consume the thing transferred directly in producing tangible 57564
personal property for sale by mining, including, without 57565
limitation, the extraction from the earth of all substances that 57566
are classed geologically as minerals, or directly in the rendition 57567
of a public utility service, except that the sales tax levied by 57568
this section shall be collected upon all meals, drinks, and food 57569
for human consumption sold when transporting persons. This 57570
paragraph does not exempt from "retail sale" or "sales at retail" 57571
the sale of tangible personal property that is to be incorporated 57572
into a structure or improvement to real property. 57573

(b) To hold the thing transferred as security for the 57574
performance of an obligation of the vendor; 57575

(c) To resell, hold, use, or consume the thing transferred as 57576
evidence of a contract of insurance; 57577

(d) To use or consume the thing directly in commercial 57578
fishing; 57579

(e) To incorporate the thing transferred as a material or a 57580
part into, or to use or consume the thing transferred directly in 57581
the production of, magazines distributed as controlled circulation 57582
publications; 57583

(f) To use or consume the thing transferred in the production 57584
and preparation in suitable condition for market and sale of 57585
printed, imprinted, overprinted, lithographic, multilithic, 57586
blueprinted, photostatic, or other productions or reproductions of 57587
written or graphic matter; 57588

(g) To use the thing transferred, as described in section 57589
5739.011 of the Revised Code, primarily in a manufacturing 57590
operation to produce tangible personal property for sale; 57591

(h) To use the benefit of a warranty, maintenance or service 57592

contract, or similar agreement, as described in division (B)(7) of 57593
section 5739.01 of the Revised Code, to repair or maintain 57594
tangible personal property, if all of the property that is the 57595
subject of the warranty, contract, or agreement would not be 57596
subject to the tax imposed by this section; 57597

(i) To use the thing transferred as qualified research and 57598
development equipment; 57599

(j) To use or consume the thing transferred primarily in 57600
storing, transporting, mailing, or otherwise handling purchased 57601
sales inventory in a warehouse, distribution center, or similar 57602
facility when the inventory is primarily distributed outside this 57603
state to retail stores of the person who owns or controls the 57604
warehouse, distribution center, or similar facility, to retail 57605
stores of an affiliated group of which that person is a member, or 57606
by means of direct marketing. This division does not apply to 57607
motor vehicles registered for operation on the public highways. As 57608
used in this division, "affiliated group" has the same meaning as 57609
in division (B)(3)(e) of section 5739.01 of the Revised Code and 57610
"direct marketing" has the same meaning as in division (B)(35) of 57611
this section. 57612

(k) To use or consume the thing transferred to fulfill a 57613
contractual obligation incurred by a warrantor pursuant to a 57614
warranty provided as a part of the price of the tangible personal 57615
property sold or by a vendor of a warranty, maintenance or service 57616
contract, or similar agreement the provision of which is defined 57617
as a sale under division (B)(7) of section 5739.01 of the Revised 57618
Code; 57619

(l) To use or consume the thing transferred in the production 57620
of a newspaper for distribution to the public; 57621

(m) To use tangible personal property to perform a service 57622
listed in division (B)(3) of section 5739.01 of the Revised Code, 57623

if the property is or is to be permanently transferred to the consumer of the service as an integral part of the performance of the service;

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced;

(q) To use or consume the thing transferred directly in production of crude oil and natural gas for sale. Persons engaged in rendering production services for others are deemed engaged in production.

As used in division (B)(42)(q) of this section, "production" means operations and tangible personal property directly used to expose and evaluate an underground reservoir that may contain hydrocarbon resources, prepare the wellbore for production, and lift and control all substances yielded by the reservoir to the

surface of the earth. 57655

(i) For the purposes of division (B)(42)(q) of this section, 57656
the "thing transferred" includes, but is not limited to, any of 57657
the following: 57658

(I) Services provided in the construction of permanent access 57659
roads, services provided in the construction of the well site, and 57660
services provided in the construction of temporary impoundments; 57661

(II) Equipment and rigging used for the specific purpose of 57662
creating with integrity a wellbore pathway to underground 57663
reservoirs; 57664

(III) Drilling and workover services used to work within a 57665
subsurface wellbore, and tangible personal property directly used 57666
in providing such services; 57667

(IV) Casing, tubulars, and float and centralizing equipment; 57668

(V) Trailers to which production equipment is attached; 57669

(VI) Well completion services, including cementing of casing, 57670
and tangible personal property directly used in providing such 57671
services; 57672

(VII) Wireline evaluation, mud logging, and perforation 57673
services, and tangible personal property directly used in 57674
providing such services; 57675

(VIII) Reservoir stimulation, hydraulic fracturing, and 57676
acidizing services, and tangible personal property directly used 57677
in providing such services, including all material pumped 57678
downhole; 57679

(IX) Pressure pumping equipment; 57680

(X) Artificial lift systems equipment; 57681

(XI) Wellhead equipment and well site equipment used to 57682
separate, stabilize, and control hydrocarbon phases and produced 57683

water;	57684
(XII) Tangible personal property directly used to control production equipment.	57685 57686
(ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:	57687 57688
(I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;	57689 57690 57691
(II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;	57692 57693 57694
(III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;	57695 57696 57697
(IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;	57698 57699 57700 57701
(V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a crude oil or natural gas production facility;	57702 57703 57704 57705
(VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;	57706 57707
(VII) Well site fencing, lighting, or security systems;	57708
(VIII) Communication devices or services;	57709
(IX) Office supplies;	57710
(X) Trailers used as offices or lodging;	57711
(XI) Motor vehicles of any kind;	57712

(XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;	57713 57714
(XIII) Tangible personal property used primarily as a safety device;	57715 57716
(XIV) Data collection or monitoring devices;	57717
(XV) Access ladders, stairs, or platforms attached to storage tanks.	57718 57719
The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section.	57720 57721 57722 57723 57724
The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.	57725 57726 57727 57728
As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.	57729 57730 57731
(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.	57732 57733 57734 57735 57736 57737 57738
(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft used primarily in a fractional aircraft ownership program, and sales of services for the repair, modification, and maintenance of	57739 57740 57741 57742

such aircraft, and machinery, equipment, and supplies primarily 57743
used to provide those services. 57744

(45) Sales of telecommunications service that is used 57745
directly and primarily to perform the functions of a call center. 57746
As used in this division, "call center" means any physical 57747
location where telephone calls are placed or received in high 57748
volume for the purpose of making sales, marketing, customer 57749
service, technical support, or other specialized business 57750
activity, and that employs at least fifty individuals that engage 57751
in call center activities on a full-time basis, or sufficient 57752
individuals to fill fifty full-time equivalent positions. 57753

(46) Sales by a telecommunications service vendor of 900 57754
service to a subscriber. This division does not apply to 57755
information services. 57756

(47) Sales of value-added non-voice data service. This 57757
division does not apply to any similar service that is not 57758
otherwise a telecommunications service. 57759

(48) Sales of feminine hygiene products. 57760

(49) Sales of materials, parts, equipment, or engines used in 57761
the repair or maintenance of aircraft or avionics systems of such 57762
aircraft, and sales of repair, remodeling, replacement, or 57763
maintenance services in this state performed on aircraft or on an 57764
aircraft's avionics, engine, or component materials or parts. As 57765
used in division (B)(49) of this section, "aircraft" means 57766
aircraft of more than six thousand pounds maximum certified 57767
takeoff weight or used exclusively in general aviation. 57768

(50) Sales of full flight simulators that are used for pilot 57769
or flight-crew training, sales of repair or replacement parts or 57770
components, and sales of repair or maintenance services for such 57771
full flight simulators. "Full flight simulator" means a replica of 57772
a specific type, or make, model, and series of aircraft cockpit. 57773

It includes the assemblage of equipment and computer programs 57774
necessary to represent aircraft operations in ground and flight 57775
conditions, a visual system providing an out-of-the-cockpit view, 57776
and a system that provides cues at least equivalent to those of a 57777
three-degree-of-freedom motion system, and has the full range of 57778
capabilities of the systems installed in the device as described 57779
in appendices A and B of part 60 of chapter 1 of title 14 of the 57780
Code of Federal Regulations. 57781

(51) Any transfer or lease of tangible personal property 57782
between the state and JobsOhio in accordance with section 4313.02 57783
of the Revised Code. 57784

(52)(a) Sales to a qualifying corporation. 57785

(b) As used in division (B)(52) of this section: 57786

(i) "Qualifying corporation" means a nonprofit corporation 57787
organized in this state that leases from an eligible county land, 57788
buildings, structures, fixtures, and improvements to the land that 57789
are part of or used in a public recreational facility used by a 57790
major league professional athletic team or a class A to class AAA 57791
minor league affiliate of a major league professional athletic 57792
team for a significant portion of the team's home schedule, 57793
provided the following apply: 57794

(I) The facility is leased from the eligible county pursuant 57795
to a lease that requires substantially all of the revenue from the 57796
operation of the business or activity conducted by the nonprofit 57797
corporation at the facility in excess of operating costs, capital 57798
expenditures, and reserves to be paid to the eligible county at 57799
least once per calendar year. 57800

(II) Upon dissolution and liquidation of the nonprofit 57801
corporation, all of its net assets are distributable to the board 57802
of commissioners of the eligible county from which the corporation 57803
leases the facility. 57804

(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code.	57805 57806
(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video service or programming, audio service or programming, or electronically transferred digital audiovisual or audio work. As used in division (B)(53) of this section, "cable service" and "cable service provider" have the same meanings as in section 1332.01 of the Revised Code, and "video service," "video service provider," and "video programming" have the same meanings as in section 1332.21 of the Revised Code.	57807 57808 57809 57810 57811 57812 57813 57814 57815 57816
(54) Sales of a digital audio work electronically transferred for delivery through use of a machine, such as a juke box, that does all of the following:	57817 57818 57819
(a) Accepts direct payments to operate;	57820
(b) Automatically plays a selected digital audio work for a single play upon receipt of a payment described in division (B)(54)(a) of this section;	57821 57822 57823
(c) Operates exclusively for the purpose of playing digital audio works in a commercial establishment.	57824 57825
(55)(a) Sales of the following occurring on the first Friday of August and the following Saturday and Sunday of each year, beginning in 2018:	57826 57827 57828
(i) An item of clothing, the price of which is seventy-five dollars or less;	57829 57830
(ii) An item of school supplies, the price of which is twenty dollars or less;	57831 57832
(iii) An item of school instructional material, the price of which is twenty dollars or less.	57833 57834

(b) As used in division (B)(55) of this section: 57835

(i) "Clothing" means all human wearing apparel suitable for 57836
general use. "Clothing" includes, but is not limited to, aprons, 57837
household and shop; athletic supporters; baby receiving blankets; 57838
bathing suits and caps; beach capes and coats; belts and 57839
suspenders; boots; coats and jackets; costumes; diapers, children 57840
and adult, including disposable diapers; earmuffs; footlets; 57841
formal wear; garters and garter belts; girdles; gloves and mittens 57842
for general use; hats and caps; hosiery; insoles for shoes; lab 57843
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 57844
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 57845
and stockings; steel-toed shoes; underwear; uniforms, athletic and 57846
nonathletic; and wedding apparel. "Clothing" does not include 57847
items purchased for use in a trade or business; clothing 57848
accessories or equipment; protective equipment; sports or 57849
recreational equipment; belt buckles sold separately; costume 57850
masks sold separately; patches and emblems sold separately; sewing 57851
equipment and supplies including, but not limited to, knitting 57852
needles, patterns, pins, scissors, sewing machines, sewing 57853
needles, tape measures, and thimbles; and sewing materials that 57854
become part of "clothing" including, but not limited to, buttons, 57855
fabric, lace, thread, yarn, and zippers. 57856

(ii) "School supplies" means items commonly used by a student 57857
in a course of study. "School supplies" includes only the 57858
following items: binders; book bags; calculators; cellophane tape; 57859
blackboard chalk; compasses; composition books; crayons; erasers; 57860
folders, expandable, pocket, plastic, and manila; glue, paste, and 57861
paste sticks; highlighters; index cards; index card boxes; legal 57862
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 57863
notebook paper, copy paper, graph paper, tracing paper, manila 57864
paper, colored paper, poster board, and construction paper; pencil 57865
boxes and other school supply boxes; pencil sharpeners; pencils; 57866

pens; protractors; rulers; scissors; and writing tablets. "School supplies" does not include any item purchased for use in a trade or business.

(iii) "School instructional material" means written material commonly used by a student in a course of study as a reference and to learn the subject being taught. "School instructional material" includes only the following items: reference books, reference maps and globes, textbooks, and workbooks. "School instructional material" does not include any material purchased for use in a trade or business.

(56)(a) Sales of diapers or incontinence underpads sold pursuant to a prescription, for the benefit of a medicaid recipient with a diagnosis of incontinence, and by a medicaid provider that maintains a valid provider agreement under section 5164.30 of the Revised Code with the department of medicaid, provided that the medicaid program covers diapers or incontinence underpads as an incontinence garment.

(b) As used in division (B)(56)(a) of this section:

(i) "Diaper" means an absorbent garment worn by humans who are incapable of, or have difficulty, controlling their bladder or bowel movements.

(ii) "Incontinence underpad" means an absorbent product, not worn on the body, designed to protect furniture or other tangible personal property from soiling or damage due to human incontinence.

(57) Sales of investment metal bullion and investment coins.
"Investment metal bullion" means any bullion described in section 408(m)(3)(B) of the Internal Revenue Code, regardless of whether that bullion is in the physical possession of a trustee.
"Investment coin" means any coin composed primarily of gold, silver, platinum, or palladium.

(C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the contrary is established.

(D) The tax collected by the vendor from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional sales tax pursuant to section 5739.021 or 5739.026 of the Revised Code and of transit authorities levying an additional sales tax pursuant to section 5739.023 of the Revised Code. Except for the discount authorized under section 5739.12 of the Revised Code and the effects of any rounding pursuant to section 5703.055 of the Revised Code, no person other than the state or such a county or transit authority shall derive any benefit from the collection or payment of the tax levied by this section or section 5739.021, 5739.023, or 5739.026 of the Revised Code.

Sec. 5741.01. As used in this chapter:

(A) "Person" includes individuals, receivers, assignees, trustees in bankruptcy, estates, firms, partnerships, associations, joint-stock companies, joint ventures, clubs, societies, corporations, business trusts, governments, and combinations of individuals of any form.

(B) "Storage" means and includes any keeping or retention in this state for use or other consumption in this state.

(C) "Use" means and includes the exercise of any right or power incidental to the ownership of the thing used. A thing is also "used" in this state if its consumer gives or otherwise distributes it, without charge, to recipients in this state.

(D) "Purchase" means acquired or received for a consideration, whether such acquisition or receipt was effected by

a transfer of title, or of possession, or of both, or a license to use or consume; whether such transfer was absolute or conditional, and by whatever means the transfer was effected; and whether the consideration was money, credit, barter, or exchange. Purchase includes production, even though the article produced was used, stored, or consumed by the producer. The transfer of copyrighted motion picture films for exhibition purposes is not a purchase, except such films as are used solely for advertising purposes.

(E) "Seller" means the person from whom a purchase is made, and includes every person engaged in this state or elsewhere in the business of selling tangible personal property or providing a service for storage, use, or other consumption or benefit in this state; and when, in the opinion of the tax commissioner, it is necessary for the efficient administration of this chapter, to regard any salesperson, representative, peddler, or canvasser as the agent of a dealer, distributor, supervisor, or employer under whom the person operates, or from whom the person obtains tangible personal property, sold by the person for storage, use, or other consumption in this state, irrespective of whether or not the person is making such sales on the person's own behalf, or on behalf of such dealer, distributor, supervisor, or employer, the commissioner may regard the person as such agent, and may regard such dealer, distributor, supervisor, or employer as the seller. A marketplace facilitator shall be treated as the "seller" with respect to all sales facilitated by the marketplace facilitator on behalf of one or more marketplace sellers on and after the first day of the first month that begins at least thirty days after the marketplace facilitator first has substantial nexus with this state. Otherwise, "seller" does not include any person to the extent the person provides a communications medium, such as, but not limited to, newspapers, magazines, radio, television, or cable television, by means of which sellers solicit purchases of their goods or services.

(F) "Consumer" means any person who has purchased tangible personal property or has been provided a service for storage, use, or other consumption or benefit in this state. "Consumer" does not include a person who receives, without charge, tangible personal property or a service.

A person who performs a facility management or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E) of section 5739.01 of the Revised Code.

(G)(1) "Price," except as provided in divisions (G)(2) to (6) of this section, has the same meaning as in division (H)(1) of section 5739.01 of the Revised Code.

(2) In the case of watercraft, outboard motors, or new motor vehicles, "price" has the same meaning as in divisions (H)(2) and (3) of section 5739.01 of the Revised Code.

(3) In the case of a nonresident business consumer that purchases and uses tangible personal property outside this state and subsequently temporarily stores, uses, or otherwise consumes such tangible personal property in the conduct of business in this state, the consumer or the tax commissioner may determine the price based on the value of the temporary storage, use, or other consumption, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner.

(4) In the case of tangible personal property held in this state as inventory for sale or lease, and that is temporarily stored, used, or otherwise consumed in a taxable manner, the price is the value of the temporary use. A price determination made by

the consumer is subject to review and redetermination by the commissioner. 57992
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(5) In the case of tangible personal property originally purchased and used by the consumer outside this state, and that becomes permanently stored, used, or otherwise consumed in this state more than six months after its acquisition by the consumer, the consumer or the commissioner may determine the price based on the current value of such tangible personal property, in lieu of determining the price pursuant to division (G)(1) of this section. A price determination made by the consumer is subject to review and redetermination by the commissioner. 57994
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(6) If a consumer produces tangible personal property for sale and removes that property from inventory for the consumer's own use, the price is the produced cost of that tangible personal property. 58003
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(H) "Nexus with this state" means that the seller engages in continuous and widespread solicitation of purchases from residents of this state or otherwise purposefully directs its business activities at residents of this state. 58007
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(I)(1) "Substantial nexus with this state" means that the seller has sufficient contact with this state, in accordance with Section 8 of Article I of the Constitution of the United States, to allow the state to require the seller to collect and remit use tax on sales of tangible personal property or services made to consumers in this state. 58011
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(2) "Substantial nexus with this state" is presumed to exist when the seller does any of the following: 58017
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(a) Uses an office, distribution facility, warehouse, storage facility, or similar place of business within this state, whether operated by the seller or any other person, other than a common carrier acting in its capacity as a common carrier. 58019
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(b) Regularly uses employees, agents, representatives, 58023
solicitors, installers, repairers, salespersons, or other persons 58024
in this state for the purpose of conducting the business of the 58025
seller or either to engage in a business with the same or a 58026
similar industry classification as the seller selling a similar 58027
product or line of products as the seller, or to use trademarks, 58028
service marks, or trade names in this state that are the same or 58029
substantially similar to those used by the seller. 58030

(c) Uses any person, other than a common carrier acting in 58031
its capacity as a common carrier, in this state for any of the 58032
following purposes: 58033

(i) Receiving or processing orders of the seller's goods or 58034
services; 58035

(ii) Using that person's employees or facilities in this 58036
state to advertise, promote, or facilitate sales by the seller to 58037
customers; 58038

(iii) Delivering, installing, assembling, or performing 58039
maintenance services for the seller's customers; 58040

(iv) Facilitating the seller's delivery of tangible personal 58041
property to customers in this state by allowing the seller's 58042
customers to pick up property sold by the seller at an office, 58043
distribution facility, warehouse, storage facility, or similar 58044
place of business. 58045

(d) Makes regular deliveries of tangible personal property 58046
into this state by means other than common carrier. 58047

(e) Has an affiliated person that has substantial nexus with 58048
this state. 58049

(f) Owns tangible personal property that is rented or leased 58050
to a consumer in this state, or offers tangible personal property, 58051
on approval, to consumers in this state. 58052

(g) Has gross receipts in excess of one hundred thousand 58053
dollars in the current or preceding calendar year from the sale of 58054
tangible personal property for storage, use, or consumption in 58055
this state or from providing services the benefit of which is 58056
realized in this state. 58057

(h) Engages, in the current or preceding calendar year, in 58058
two hundred or more separate transactions selling tangible 58059
personal property for storage, use, or consumption in this state 58060
or providing services the benefit of which is realized in this 58061
state. 58062

(3) A seller presumed to have substantial nexus with this 58063
state under divisions (I)(2)(a) to (f), (g), and (h) of this 58064
section may rebut that presumption by demonstrating that 58065
activities described in any of those divisions that are conducted 58066
by a person in this state on the seller's behalf are not 58067
significantly associated with the seller's ability to establish or 58068
maintain a market in this state for the seller's sales. 58069

(4) A marketplace facilitator is presumed to have substantial 58070
nexus with this state if either of the following apply in the 58071
current or preceding calendar year: 58072

(a) The aggregate gross receipts derived from sales of 58073
tangible personal property for storage, use, or consumption in 58074
this state or services the benefit of which is realized in this 58075
state, including sales made by the marketplace facilitator on its 58076
own behalf and sales facilitated by the marketplace facilitator on 58077
behalf of one or more marketplace sellers, exceed one hundred 58078
thousand dollars; 58079

(b) The marketplace facilitator engages in on its own behalf, 58080
or facilitates on behalf of one or more marketplace sellers, two 58081
hundred or more separate transactions selling tangible personal 58082
property for storage, use, or consumption in this state or 58083

services the benefit of which is realized in this state. 58084

(5) A seller that does not have substantial nexus with this 58085
state, and any affiliated person of the seller, before selling or 58086
leasing tangible personal property or services to a state agency, 58087
shall register with the tax commissioner in the same manner as a 58088
seller described in division (A)(1) of section 5741.17 of the 58089
Revised Code. 58090

(6) As used in division (I) of this section: 58091

(a) "Affiliated person" means any person that is a member of 58092
the same controlled group of corporations as the seller or any 58093
other person that, notwithstanding the form of organization, bears 58094
the same ownership relationship to the seller as a corporation 58095
that is a member of the same controlled group of corporations. 58096

(b) "Controlled group of corporations" has the same meaning 58097
as in section 1563(a) of the Internal Revenue Code. 58098

(c) "State agency" has the same meaning as in section 1.60 of 58099
the Revised Code. 58100

(J) "Fiscal officer" means, with respect to a regional 58101
transit authority, the secretary-treasurer thereof, and with 58102
respect to a county which is a transit authority, the fiscal 58103
officer of the county transit board appointed pursuant to section 58104
306.03 of the Revised Code or, if the board of county 58105
commissioners operates the county transit system, the county 58106
auditor. 58107

(K) "Territory of the transit authority" means all of the 58108
area included within the territorial boundaries of a transit 58109
authority as they from time to time exist. Such territorial 58110
boundaries must at all times include all the area of a single 58111
county or all the area of the most populous county which is a part 58112
of such transit authority. County population shall be measured by 58113
the most recent census taken by the United States census bureau. 58114

(L) "Transit authority" means a regional transit authority 58115
created pursuant to section 306.31 of the Revised Code or a county 58116
in which a county transit system is created pursuant to section 58117
306.01 of the Revised Code. For the purposes of this chapter, a 58118
transit authority must extend to at least the entire area of a 58119
single county. A transit authority which includes territory in 58120
more than one county must include all the area of the most 58121
populous county which is a part of such transit authority. County 58122
population shall be measured by the most recent census taken by 58123
the United States census bureau. 58124

(M) "Providing a service" has the same meaning as in section 58125
5739.01 of the Revised Code. 58126

(N) "Other consumption" includes receiving the benefits of a 58127
service. 58128

(O) "Lease" or "rental" has the same meaning as in section 58129
5739.01 of the Revised Code. 58130

(P) "Certified service provider" has the same meaning as in 58131
section 5740.01 of the Revised Code. 58132

~~(Q) "Remote sale" means a sale for which the seller could not 58133
be legally required to pay, collect, or remit a tax imposed under 58134
this chapter or Chapter 5739. of the Revised Code, unless 58135
otherwise provided by the laws of the United States. 58136~~

~~(R) "Remote seller" means a seller that lacks substantial 58137
nexus with this state but is required to register with the tax 58138
commissioner under section 5741.17 of the Revised Code pursuant to 58139
federal law authorizing states to require such sellers to 58140
register, collect, and remit use tax. A seller that is not 58141
required to register with the commissioner under division (A) of 58142
section 5741.17 of the Revised Code but registers voluntarily 58143
under division (B) of that section is not a "remote seller." A 58144
seller that registers with the commissioner under section 5741.17 58145~~

~~of the Revised Code after the effective date of any federal law 58146
that authorizes states to require sellers that lack substantial 58147
nexus with the state to register, collect, and remit use tax is 58148
presumed to be a "remote seller." The seller or the commissioner 58149
may rebut this presumption with evidence that the seller has 58150
substantial nexus with this state. 58151~~

~~(S) "Remote small seller" means a remote seller that has 58152
gross annual receipts from remote sales in the United States not 58153
exceeding one million dollars for the preceding calendar year. For 58154
the purposes of determining whether a person is a small remote 58155
seller, the sales of all persons related within the meaning of 58156
subsection (b) or (c) of section 267 or section 707(b)(1) of the 58157
Internal Revenue Code shall be aggregated, and persons with one or 58158
more ownership relationships shall be aggregated if those 58159
relationships were designed with the principal purpose to qualify 58160
as a remote small seller. 58161~~

~~(T) "Marketplace facilitator" means a person that owns, 58162
operates, or controls a physical or electronic marketplace through 58163
which retail sales are facilitated on behalf of one or more 58164
marketplace sellers, or an affiliate of such a person. 58165
"Marketplace facilitator" does not include a person that provides 58166
advertising services, including tangible personal property or 58167
services listed for sale, if the advertising service platform or 58168
forum does not engage directly or indirectly through one or more 58169
affiliated persons in the activities described in division ~~(W)(2)~~ 58170
(T)(2) of this section. 58171~~

~~(U) (R) "Marketplace seller" means a person on behalf of 58172
which a marketplace facilitator facilitates the sale of tangible 58173
personal property for storage, use, or consumption in this state 58174
or services the benefit of which are realized in this state, 58175
regardless of whether or not the person has a substantial nexus 58176
with this state. 58177~~

~~(V)~~ (S) "Electronic marketplace" includes digital 58178
distribution services, digital distribution platforms, online 58179
portals, application stores, computer software applications, 58180
in-app purchase mechanisms, or other digital products. 58181

~~(W)~~ (T) A sale is "facilitated" by a marketplace facilitator 58182
on behalf of a marketplace seller if it satisfies divisions ~~(W)(1)~~ 58183
(T)(1), (2), and (3) of this section: 58184

(1) The marketplace facilitator, directly or indirectly, does 58185
any of the following: 58186

(a) Lists, makes available, or advertises the tangible 58187
personal property or services that are the subject of the sale in 58188
a physical or electronic marketplace owned, operated, or 58189
controlled by the marketplace facilitator; 58190

(b) Transmits or otherwise communicates an offer or 58191
acceptance of the sale between the marketplace seller and the 58192
purchaser in a shop, store, booth, catalog, internet site, or 58193
other similar forum; 58194

(c) Owns, rents, licenses, makes available, or operates any 58195
electronic or physical infrastructure or any property, process, 58196
method, copyright, trademark, or patent that connects the 58197
marketplace seller to the purchaser for the purpose of making 58198
sales; 58199

(d) Provides the marketplace in which the sale was made or 58200
otherwise facilitates the sale regardless of ownership or control 58201
of the tangible personal property or services that are the subject 58202
of the sale; 58203

(e) Provides software development or research and development 58204
services directly related to a physical or electronic marketplace 58205
that is involved in one or more of the activities described in 58206
division ~~(W)(1)~~ (T)(1) of this section; 58207

(f) Provides fulfillment or storage services for the marketplace seller that are related to the tangible personal property or services that are the subject of the sale;	58208 58209 58210
(g) Sets the price of the sale on behalf of the marketplace seller;	58211 58212
(h) Provides or offers customer service to the marketplace seller or the marketplace seller's customers, or accepts or assists with taking orders, returns, or exchanges of the tangible personal property or services that are the subject of the sale;	58213 58214 58215 58216
(i) Brands or otherwise identifies the sale as a sale of the marketplace facilitator.	58217 58218
(2) The marketplace facilitator, directly or indirectly, does any of the following:	58219 58220
(a) Collects the price of the tangible personal property or services sold to the consumer;	58221 58222
(b) Provides payment processing services for the sale;	58223
(c) Collects payment in connection with the sale from the consumer through terms and conditions, agreements, or arrangements with a third party, and transmits that payment to the marketplace seller, regardless of whether the person collecting and transmitting such payment receives compensation or other consideration in exchange for the service;	58224 58225 58226 58227 58228 58229
(d) Provides virtual currency that consumers are allowed or required to use to purchase the tangible personal property or services that are the subject of the sale.	58230 58231 58232
(3) The subject of the sale is tangible personal property or services other than lodging by a hotel that is or is to be furnished to transient guests.	58233 58234 58235
Sec. 5741.03. (A) One hundred per cent of all money deposited	58236

into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

~~(C)(1) Not later than the first day of each January and July following the date remote sellers are first required to register, collect, and remit use tax under this chapter, the tax commissioner and the director of budget and management shall~~

~~jointly determine the amount of tax imposed by section 5741.02 of 58269
the Revised Code and remitted under this chapter by remote sellers 58270
during the six month period ending on the preceding last day of 58271
November and of May, respectively, reduced by any refunds issued 58272
during the six month period to remote sellers from the tax refund 58273
fund on account of that tax. 58274~~

~~(2) Not later than that last day of each January and July 58275
following the date the commissioner and the director make a 58276
determination under division (C)(1) of this section, the director 58277
of budget and management shall transfer from the general revenue 58278
fund to the income tax reduction fund the amount determined under 58279
that division. Amounts transferred to the income tax reduction 58280
fund under this division shall be included in the determination of 58281
the percentage under division (B)(2) of section 131.44 of the 58282
Revised Code required to be made by the thirty first day of July 58283
of the calendar year in which the commissioner makes the 58284
certifications under this division. 58285~~

Sec. 5747.01. Except as otherwise expressly provided or 58287
clearly appearing from the context, any term used in this chapter 58288
that is not otherwise defined in this section has the same meaning 58289
as when used in a comparable context in the laws of the United 58290
States relating to federal income taxes or if not used in a 58291
comparable context in those laws, has the same meaning as in 58292
section 5733.40 of the Revised Code. Any reference in this chapter 58293
to the Internal Revenue Code includes other laws of the United 58294
States relating to federal income taxes. 58295

As used in this chapter: 58296

(A) "Adjusted gross income" or "Ohio adjusted gross income" 58297
means federal adjusted gross income, as defined and used in the 58298
Internal Revenue Code, adjusted as provided in this section: 58299

(1) Add interest or dividends on obligations or securities of 58300

any state or of any political subdivision or authority of any 58301
state, other than this state and its subdivisions and authorities. 58302

(2) Add interest or dividends on obligations of any 58303
authority, commission, instrumentality, territory, or possession 58304
of the United States to the extent that the interest or dividends 58305
are exempt from federal income taxes but not from state income 58306
taxes. 58307

(3) Deduct interest or dividends on obligations of the United 58308
States and its territories and possessions or of any authority, 58309
commission, or instrumentality of the United States to the extent 58310
that the interest or dividends are included in federal adjusted 58311
gross income but exempt from state income taxes under the laws of 58312
the United States. 58313

(4) Deduct disability and survivor's benefits to the extent 58314
included in federal adjusted gross income. 58315

(5) Deduct ~~benefits~~ the following, to the extent not 58316
otherwise deducted or excluded in computing federal or Ohio 58317
adjusted gross income: 58318

(a) Benefits under Title II of the Social Security Act and 58319
tier 1 railroad retirement ~~benefits to the extent included in~~ 58320
~~federal adjusted gross income under section 86 of the Internal~~ 58321
~~Revenue Code;~~ 58322

(b) Railroad retirement benefits, other than tier 1 railroad 58323
retirement benefits, to the extent such amounts are exempt from 58324
state taxation under federal law. 58325

(6) Deduct the amount of wages and salaries, if any, not 58326
otherwise allowable as a deduction but that would have been 58327
allowable as a deduction in computing federal adjusted gross 58328
income for the taxable year, had the ~~targeted jobs work~~ 58329
opportunity tax credit allowed and determined under sections 38, 58330
51, and 52 of the Internal Revenue Code not been in effect. 58331

(7) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income. 58332
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(8) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income. 58336
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(9) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions to variable college savings program accounts made or tuition units purchased pursuant to Chapter 3334. of the Revised Code. 58340
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(10)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(10)(a) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(10)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(10)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year. 58344
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(b) Deduct, to the extent not otherwise deducted or excluded 58363

in computing federal or Ohio adjusted gross income during the 58364
taxable year, the amount the taxpayer paid during the taxable 58365
year, not compensated for by any insurance or otherwise, for 58366
medical care of the taxpayer, the taxpayer's spouse, and 58367
dependents, to the extent the expenses exceed seven and one-half 58368
per cent of the taxpayer's federal adjusted gross income. 58369

(c) For purposes of division (A)(10) of this section, 58370
"medical care" has the meaning given in section 213 of the 58371
Internal Revenue Code, subject to the special rules, limitations, 58372
and exclusions set forth therein, and "qualified long-term care" 58373
has the same meaning given in section 7702B(c) of the Internal 58374
Revenue Code. Solely for purposes of division (A)(10)(a) of this 58375
section, "dependent" includes a person who otherwise would be a 58376
"qualifying relative" and thus a "dependent" under section 152 of 58377
the Internal Revenue Code but for the fact that the person fails 58378
to meet the income and support limitations under section 58379
152(d)(1)(B) and (C) of the Internal Revenue Code. 58380

(11)(a) Deduct any amount included in federal adjusted gross 58381
income solely because the amount represents a reimbursement or 58382
refund of expenses that in any year the taxpayer had deducted as 58383
an itemized deduction pursuant to section 63 of the Internal 58384
Revenue Code and applicable United States department of the 58385
treasury regulations. The deduction otherwise allowed under 58386
division (A)(11)(a) of this section shall be reduced to the extent 58387
the reimbursement is attributable to an amount the taxpayer 58388
deducted under this section in any taxable year. 58389

(b) Add any amount not otherwise included in Ohio adjusted 58390
gross income for any taxable year to the extent that the amount is 58391
attributable to the recovery during the taxable year of any amount 58392
deducted or excluded in computing federal or Ohio adjusted gross 58393
income in any taxable year. 58394

(12) Deduct any portion of the deduction described in section 58395

1341(a)(2) of the Internal Revenue Code, for repaying previously 58396
reported income received under a claim of right, that meets both 58397
of the following requirements: 58398

(a) It is allowable for repayment of an item that was 58399
included in the taxpayer's adjusted gross income for a prior 58400
taxable year and did not qualify for a credit under division (A) 58401
or (B) of section 5747.05 of the Revised Code for that year; 58402

(b) It does not otherwise reduce the taxpayer's adjusted 58403
gross income for the current or any other taxable year. 58404

(13) Deduct an amount equal to the deposits made to, and net 58405
investment earnings of, a medical savings account during the 58406
taxable year, in accordance with section 3924.66 of the Revised 58407
Code. The deduction allowed by division (A)(13) of this section 58408
does not apply to medical savings account deposits and earnings 58409
otherwise deducted or excluded for the current or any other 58410
taxable year from the taxpayer's federal adjusted gross income. 58411

(14)(a) Add an amount equal to the funds withdrawn from a 58412
medical savings account during the taxable year, and the net 58413
investment earnings on those funds, when the funds withdrawn were 58414
used for any purpose other than to reimburse an account holder 58415
for, or to pay, eligible medical expenses, in accordance with 58416
section 3924.66 of the Revised Code; 58417

(b) Add the amounts distributed from a medical savings 58418
account under division (A)(2) of section 3924.68 of the Revised 58419
Code during the taxable year. 58420

(15) Add any amount claimed as a credit under section 58421
5747.059 of the Revised Code to the extent that such amount 58422
satisfies either of the following: 58423

(a) The amount was deducted or excluded from the computation 58424
of the taxpayer's federal adjusted gross income as required to be 58425
reported for the taxpayer's taxable year under the Internal 58426

Revenue Code; 58427

(b) The amount resulted in a reduction of the taxpayer's 58428
federal adjusted gross income as required to be reported for any 58429
of the taxpayer's taxable years under the Internal Revenue Code. 58430

(16) Deduct the amount contributed by the taxpayer to an 58431
individual development account program established by a county 58432
department of job and family services pursuant to sections 329.11 58433
to 329.14 of the Revised Code for the purpose of matching funds 58434
deposited by program participants. On request of the tax 58435
commissioner, the taxpayer shall provide any information that, in 58436
the tax commissioner's opinion, is necessary to establish the 58437
amount deducted under division (A)(16) of this section. 58438

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 58439
(v) of this section, add five-sixths of the amount of depreciation 58440
expense allowed by subsection (k) of section 168 of the Internal 58441
Revenue Code, including the taxpayer's proportionate or 58442
distributive share of the amount of depreciation expense allowed 58443
by that subsection to a pass-through entity in which the taxpayer 58444
has a direct or indirect ownership interest. 58445

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of 58446
this section, add five-sixths of the amount of qualifying section 58447
179 depreciation expense, including the taxpayer's proportionate 58448
or distributive share of the amount of qualifying section 179 58449
depreciation expense allowed to any pass-through entity in which 58450
the taxpayer has a direct or indirect ownership interest. 58451

(iii) Subject to division (A)(17)(a)(v) of this section, for 58452
taxable years beginning in 2012 or thereafter, if the increase in 58453
income taxes withheld by the taxpayer is equal to or greater than 58454
ten per cent of income taxes withheld by the taxpayer during the 58455
taxpayer's immediately preceding taxable year, "two-thirds" shall 58456
be substituted for "five-sixths" for the purpose of divisions 58457

(A)(17)(a)(i) and (ii) of this section. 58458

(iv) Subject to division (A)(17)(a)(v) of this section, for 58459
taxable years beginning in 2012 or thereafter, a taxpayer is not 58460
required to add an amount under division (A)(17) of this section 58461
if the increase in income taxes withheld by the taxpayer and by 58462
any pass-through entity in which the taxpayer has a direct or 58463
indirect ownership interest is equal to or greater than the sum of 58464
(I) the amount of qualifying section 179 depreciation expense and 58465
(II) the amount of depreciation expense allowed to the taxpayer by 58466
subsection (k) of section 168 of the Internal Revenue Code, and 58467
including the taxpayer's proportionate or distributive shares of 58468
such amounts allowed to any such pass-through entities. 58469

(v) If a taxpayer directly or indirectly incurs a net 58470
operating loss for the taxable year for federal income tax 58471
purposes, to the extent such loss resulted from depreciation 58472
expense allowed by subsection (k) of section 168 of the Internal 58473
Revenue Code and by qualifying section 179 depreciation expense, 58474
"the entire" shall be substituted for "five-sixths of the" for the 58475
purpose of divisions (A)(17)(a)(i) and (ii) of this section. 58476

The tax commissioner, under procedures established by the 58477
commissioner, may waive the add-backs related to a pass-through 58478
entity if the taxpayer owns, directly or indirectly, less than 58479
five per cent of the pass-through entity. 58480

(b) Nothing in division (A)(17) of this section shall be 58481
construed to adjust or modify the adjusted basis of any asset. 58482

(c) To the extent the add-back required under division 58483
(A)(17)(a) of this section is attributable to property generating 58484
nonbusiness income or loss allocated under section 5747.20 of the 58485
Revised Code, the add-back shall be situated to the same location 58486
as the nonbusiness income or loss generated by the property for 58487
the purpose of determining the credit under division (A) of 58488

section 5747.05 of the Revised Code. Otherwise, the add-back shall 58489
be apportioned, subject to one or more of the four alternative 58490
methods of apportionment enumerated in section 5747.21 of the 58491
Revised Code. 58492

(d) For the purposes of division (A)(17)(a)(v) of this 58493
section, net operating loss carryback and carryforward shall not 58494
include the allowance of any net operating loss deduction 58495
carryback or carryforward to the taxable year to the extent such 58496
loss resulted from depreciation allowed by section 168(k) of the 58497
Internal Revenue Code and by the qualifying section 179 58498
depreciation expense amount. 58499

(e) For the purposes of divisions (A)(17) and (18) of this 58500
section: 58501

(i) "Income taxes withheld" means the total amount withheld 58502
and remitted under sections 5747.06 and 5747.07 of the Revised 58503
Code by an employer during the employer's taxable year. 58504

(ii) "Increase in income taxes withheld" means the amount by 58505
which the amount of income taxes withheld by an employer during 58506
the employer's current taxable year exceeds the amount of income 58507
taxes withheld by that employer during the employer's immediately 58508
preceding taxable year. 58509

(iii) "Qualifying section 179 depreciation expense" means the 58510
difference between (I) the amount of depreciation expense directly 58511
or indirectly allowed to a taxpayer under section 179 of the 58512
Internal Revised Code, and (II) the amount of depreciation expense 58513
directly or indirectly allowed to the taxpayer under section 179 58514
of the Internal Revenue Code as that section existed on December 58515
31, 2002. 58516

(18)(a) If the taxpayer was required to add an amount under 58517
division (A)(17)(a) of this section for a taxable year, deduct one 58518
of the following: 58519

(i) One-fifth of the amount so added for each of the five 58520
succeeding taxable years if the amount so added was five-sixths of 58521
qualifying section 179 depreciation expense or depreciation 58522
expense allowed by subsection (k) of section 168 of the Internal 58523
Revenue Code; 58524

(ii) One-half of the amount so added for each of the two 58525
succeeding taxable years if the amount so added was two-thirds of 58526
such depreciation expense; 58527

(iii) One-sixth of the amount so added for each of the six 58528
succeeding taxable years if the entire amount of such depreciation 58529
expense was so added. 58530

(b) If the amount deducted under division (A)(18)(a) of this 58531
section is attributable to an add-back allocated under division 58532
(A)(17)(c) of this section, the amount deducted shall be situated 58533
to the same location. Otherwise, the add-back shall be apportioned 58534
using the apportionment factors for the taxable year in which the 58535
deduction is taken, subject to one or more of the four alternative 58536
methods of apportionment enumerated in section 5747.21 of the 58537
Revised Code. 58538

(c) No deduction is available under division (A)(18)(a) of 58539
this section with regard to any depreciation allowed by section 58540
168(k) of the Internal Revenue Code and by the qualifying section 58541
179 depreciation expense amount to the extent that such 58542
depreciation results in or increases a federal net operating loss 58543
carryback or carryforward. If no such deduction is available for a 58544
taxable year, the taxpayer may carry forward the amount not 58545
deducted in such taxable year to the next taxable year and add 58546
that amount to any deduction otherwise available under division 58547
(A)(18)(a) of this section for that next taxable year. The 58548
carryforward of amounts not so deducted shall continue until the 58549
entire addition required by division (A)(17)(a) of this section 58550
has been deducted. 58551

(19) Deduct, to the extent not otherwise deducted or excluded 58552
in computing federal or Ohio adjusted gross income for the taxable 58553
year, the amount the taxpayer received during the taxable year as 58554
reimbursement for life insurance premiums under section 5919.31 of 58555
the Revised Code. 58556

(20) Deduct, to the extent not otherwise deducted or excluded 58557
in computing federal or Ohio adjusted gross income for the taxable 58558
year, the amount the taxpayer received during the taxable year as 58559
a death benefit paid by the adjutant general under section 5919.33 58560
of the Revised Code. 58561

(21) Deduct, to the extent included in federal adjusted gross 58562
income and not otherwise allowable as a deduction or exclusion in 58563
computing federal or Ohio adjusted gross income for the taxable 58564
year, military pay and allowances received by the taxpayer during 58565
the taxable year for active duty service in the United States 58566
army, air force, navy, marine corps, or coast guard or reserve 58567
components thereof or the national guard. The deduction may not be 58568
claimed for military pay and allowances received by the taxpayer 58569
while the taxpayer is stationed in this state. 58570

(22) Deduct, to the extent not otherwise allowable as a 58571
deduction or exclusion in computing federal or Ohio adjusted gross 58572
income for the taxable year and not otherwise compensated for by 58573
any other source, the amount of qualified organ donation expenses 58574
incurred by the taxpayer during the taxable year, not to exceed 58575
ten thousand dollars. A taxpayer may deduct qualified organ 58576
donation expenses only once for all taxable years beginning with 58577
taxable years beginning in 2007. 58578

For the purposes of division (A)(22) of this section: 58579

(a) "Human organ" means all or any portion of a human liver, 58580
pancreas, kidney, intestine, or lung, and any portion of human 58581
bone marrow. 58582

(b) "Qualified organ donation expenses" means travel 58583
expenses, lodging expenses, and wages and salary forgone by a 58584
taxpayer in connection with the taxpayer's donation, while living, 58585
of one or more of the taxpayer's human organs to another human 58586
being. 58587

(23) Deduct, to the extent not otherwise deducted or excluded 58588
in computing federal or Ohio adjusted gross income for the taxable 58589
year, amounts received by the taxpayer as retired personnel pay 58590
for service in the uniformed services or reserve components 58591
thereof, or the national guard, or received by the surviving 58592
spouse or former spouse of such a taxpayer under the survivor 58593
benefit plan on account of such a taxpayer's death. If the 58594
taxpayer receives income on account of retirement paid under the 58595
federal civil service retirement system or federal employees 58596
retirement system, or under any successor retirement program 58597
enacted by the congress of the United States that is established 58598
and maintained for retired employees of the United States 58599
government, and such retirement income is based, in whole or in 58600
part, on credit for the taxpayer's uniformed service, the 58601
deduction allowed under this division shall include only that 58602
portion of such retirement income that is attributable to the 58603
taxpayer's uniformed service, to the extent that portion of such 58604
retirement income is otherwise included in federal adjusted gross 58605
income and is not otherwise deducted under this section. Any 58606
amount deducted under division (A)(23) of this section is not 58607
included in a taxpayer's adjusted gross income for the purposes of 58608
section 5747.055 of the Revised Code. No amount may be deducted 58609
under division (A)(23) of this section on the basis of which a 58610
credit was claimed under section 5747.055 of the Revised Code. 58611

(24) Deduct, to the extent not otherwise deducted or excluded 58612
in computing federal or Ohio adjusted gross income for the taxable 58613
year, the amount the taxpayer received during the taxable year 58614

from the military injury relief fund created in section 5902.05 of 58615
the Revised Code. 58616

(25) Deduct, to the extent not otherwise deducted or excluded 58617
in computing federal or Ohio adjusted gross income for the taxable 58618
year, the amount the taxpayer received as a veterans bonus during 58619
the taxable year from the Ohio department of veterans services as 58620
authorized by Section 2r of Article VIII, Ohio Constitution. 58621

(26) Deduct, to the extent not otherwise deducted or excluded 58622
in computing federal or Ohio adjusted gross income for the taxable 58623
year, any income derived from a transfer agreement or from the 58624
enterprise transferred under that agreement under section 4313.02 58625
of the Revised Code. 58626

(27) Deduct, to the extent not otherwise deducted or excluded 58627
in computing federal or Ohio adjusted gross income for the taxable 58628
year, Ohio college opportunity or federal Pell grant amounts 58629
received by the taxpayer or the taxpayer's spouse or dependent 58630
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 58631
1070a, et seq., and used to pay room or board furnished by the 58632
educational institution for which the grant was awarded at the 58633
institution's facilities, including meal plans administered by the 58634
institution. For the purposes of this division, receipt of a grant 58635
includes the distribution of a grant directly to an educational 58636
institution and the crediting of the grant to the enrollee's 58637
account with the institution. 58638

(28) Deduct from the portion of an individual's federal 58639
adjusted gross income that is business income, to the extent not 58640
otherwise deducted or excluded in computing federal adjusted gross 58641
income for the taxable year, one hundred twenty-five thousand 58642
dollars for each spouse if spouses file separate returns under 58643
section 5747.08 of the Revised Code or two hundred fifty thousand 58644
dollars for all other individuals. 58645

(29) Deduct, as provided under section 5747.78 of the Revised Code, contributions to ABLE savings accounts made in accordance with sections 113.50 to 113.56 of the Revised Code.

(30)(a) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, all of the following:

(i) Compensation paid to a qualifying employee described in division (A)(14)(a) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the employee's employer;

(ii) Compensation paid to a qualifying employee described in division (A)(14)(b) of section 5703.94 of the Revised Code to the extent such compensation is for disaster work conducted in this state by the employee during the disaster response period on critical infrastructure owned or used by the employee's employer;

(iii) Income received by an out-of-state disaster business for disaster work conducted in this state during a disaster response period, or, if the out-of-state disaster business is a pass-through entity, a taxpayer's distributive share of the pass-through entity's income from the business conducting disaster work in this state during a disaster response period, if, in either case, the disaster work is conducted pursuant to a qualifying solicitation received by the business.

(b) All terms used in division (A)(30) of this section have the same meanings as in section 5703.94 of the Revised Code.

(31) For a taxpayer who is a qualifying Ohio educator, deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the lesser of two hundred fifty dollars or the amount of expenses described in subsections (a)(2)(D)(i) and (ii) of section

62 of the Internal Revenue Code paid or incurred by the taxpayer 58677
during the taxpayer's taxable year in excess of the amount the 58678
taxpayer is authorized to deduct for that taxable year under 58679
subsection (a)(2)(D) of that section. 58680

~~(34)~~(32) Deduct, to the extent not otherwise deducted or 58681
excluded in computing federal or Ohio adjusted gross income for 58682
the taxable year, amounts received by the taxpayer as a disability 58683
severance payment, computed under 10 U.S.C. 1212, following 58684
discharge or release under honorable conditions from the armed 58685
forces, as defined by 10 U.S.C. 101. 58686

(33) Deduct, to the extent not otherwise deducted or excluded 58687
in computing federal adjusted gross income or Ohio adjusted gross 58688
income, amounts not subject to tax due to an agreement entered 58689
into under division (A)(2) of section 5747.05 of the Revised Code. 58690

(B) "Business income" means income, including gain or loss, 58691
arising from transactions, activities, and sources in the regular 58692
course of a trade or business and includes income, gain, or loss 58693
from real property, tangible property, and intangible property if 58694
the acquisition, rental, management, and disposition of the 58695
property constitute integral parts of the regular course of a 58696
trade or business operation. "Business income" includes income, 58697
including gain or loss, from a partial or complete liquidation of 58698
a business, including, but not limited to, gain or loss from the 58699
sale or other disposition of goodwill. 58700

(C) "Nonbusiness income" means all income other than business 58701
income and may include, but is not limited to, compensation, rents 58702
and royalties from real or tangible personal property, capital 58703
gains, interest, dividends and distributions, patent or copyright 58704
royalties, or lottery winnings, prizes, and awards. 58705

(D) "Compensation" means any form of remuneration paid to an 58706
employee for personal services. 58707

(E) "Fiduciary" means a guardian, trustee, executor,	58708
administrator, receiver, conservator, or any other person acting	58709
in any fiduciary capacity for any individual, trust, or estate.	58710
(F) "Fiscal year" means an accounting period of twelve months	58711
ending on the last day of any month other than December.	58712
(G) "Individual" means any natural person.	58713
(H) "Internal Revenue Code" means the "Internal Revenue Code	58714
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	58715
(I) "Resident" means any of the following:	58716
(1) An individual who is domiciled in this state, subject to	58717
section 5747.24 of the Revised Code;	58718
(2) The estate of a decedent who at the time of death was	58719
domiciled in this state. The domicile tests of section 5747.24 of	58720
the Revised Code are not controlling for purposes of division	58721
(I)(2) of this section.	58722
(3) A trust that, in whole or part, resides in this state. If	58723
only part of a trust resides in this state, the trust is a	58724
resident only with respect to that part.	58725
For the purposes of division (I)(3) of this section:	58726
(a) A trust resides in this state for the trust's current	58727
taxable year to the extent, as described in division (I)(3)(d) of	58728
this section, that the trust consists directly or indirectly, in	58729
whole or in part, of assets, net of any related liabilities, that	58730
were transferred, or caused to be transferred, directly or	58731
indirectly, to the trust by any of the following:	58732
(i) A person, a court, or a governmental entity or	58733
instrumentality on account of the death of a decedent, but only if	58734
the trust is described in division (I)(3)(e)(i) or (ii) of this	58735
section;	58736
(ii) A person who was domiciled in this state for the	58737

purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year;

(iii) A person who was domiciled in this state for the purposes of this chapter when the trust document or instrument or part of the trust document or instrument became irrevocable, but only if at least one of the trust's qualifying beneficiaries is a resident domiciled in this state for the purposes of this chapter during all or some portion of the trust's current taxable year. If a trust document or instrument became irrevocable upon the death of a person who at the time of death was domiciled in this state for purposes of this chapter, that person is a person described in division (I)(3)(a)(iii) of this section.

(b) A trust is irrevocable to the extent that the transferor is not considered to be the owner of the net assets of the trust under sections 671 to 678 of the Internal Revenue Code.

(c) With respect to a trust other than a charitable lead trust, "qualifying beneficiary" has the same meaning as "potential current beneficiary" as defined in section 1361(e)(2) of the Internal Revenue Code, and with respect to a charitable lead trust "qualifying beneficiary" is any current, future, or contingent beneficiary, but with respect to any trust "qualifying beneficiary" excludes a person or a governmental entity or instrumentality to any of which a contribution would qualify for the charitable deduction under section 170 of the Internal Revenue Code.

(d) For the purposes of division (I)(3)(a) of this section, the extent to which a trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred directly or indirectly, in whole or part, to the

trust by any of the sources enumerated in that division shall be 58770
ascertained by multiplying the fair market value of the trust's 58771
assets, net of related liabilities, by the qualifying ratio, which 58772
shall be computed as follows: 58773

(i) The first time the trust receives assets, the numerator 58774
of the qualifying ratio is the fair market value of those assets 58775
at that time, net of any related liabilities, from sources 58776
enumerated in division (I)(3)(a) of this section. The denominator 58777
of the qualifying ratio is the fair market value of all the 58778
trust's assets at that time, net of any related liabilities. 58779

(ii) Each subsequent time the trust receives assets, a 58780
revised qualifying ratio shall be computed. The numerator of the 58781
revised qualifying ratio is the sum of (1) the fair market value 58782
of the trust's assets immediately prior to the subsequent 58783
transfer, net of any related liabilities, multiplied by the 58784
qualifying ratio last computed without regard to the subsequent 58785
transfer, and (2) the fair market value of the subsequently 58786
transferred assets at the time transferred, net of any related 58787
liabilities, from sources enumerated in division (I)(3)(a) of this 58788
section. The denominator of the revised qualifying ratio is the 58789
fair market value of all the trust's assets immediately after the 58790
subsequent transfer, net of any related liabilities. 58791

(iii) Whether a transfer to the trust is by or from any of 58792
the sources enumerated in division (I)(3)(a) of this section shall 58793
be ascertained without regard to the domicile of the trust's 58794
beneficiaries. 58795

(e) For the purposes of division (I)(3)(a)(i) of this 58796
section: 58797

(i) A trust is described in division (I)(3)(e)(i) of this 58798
section if the trust is a testamentary trust and the testator of 58799
that testamentary trust was domiciled in this state at the time of 58800

the testator's death for purposes of the taxes levied under 58801
Chapter 5731. of the Revised Code. 58802

(ii) A trust is described in division (I)(3)(e)(ii) of this 58803
section if the transfer is a qualifying transfer described in any 58804
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 58805
irrevocable inter vivos trust, and at least one of the trust's 58806
qualifying beneficiaries is domiciled in this state for purposes 58807
of this chapter during all or some portion of the trust's current 58808
taxable year. 58809

(f) For the purposes of division (I)(3)(e)(ii) of this 58810
section, a "qualifying transfer" is a transfer of assets, net of 58811
any related liabilities, directly or indirectly to a trust, if the 58812
transfer is described in any of the following: 58813

(i) The transfer is made to a trust, created by the decedent 58814
before the decedent's death and while the decedent was domiciled 58815
in this state for the purposes of this chapter, and, prior to the 58816
death of the decedent, the trust became irrevocable while the 58817
decedent was domiciled in this state for the purposes of this 58818
chapter. 58819

(ii) The transfer is made to a trust to which the decedent, 58820
prior to the decedent's death, had directly or indirectly 58821
transferred assets, net of any related liabilities, while the 58822
decedent was domiciled in this state for the purposes of this 58823
chapter, and prior to the death of the decedent the trust became 58824
irrevocable while the decedent was domiciled in this state for the 58825
purposes of this chapter. 58826

(iii) The transfer is made on account of a contractual 58827
relationship existing directly or indirectly between the 58828
transferor and either the decedent or the estate of the decedent 58829
at any time prior to the date of the decedent's death, and the 58830
decedent was domiciled in this state at the time of death for 58831

purposes of the taxes levied under Chapter 5731. of the Revised Code. 58832
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(iv) The transfer is made to a trust on account of a contractual relationship existing directly or indirectly between the transferor and another person who at the time of the decedent's death was domiciled in this state for purposes of this chapter. 58834
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(v) The transfer is made to a trust on account of the will of a testator who was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code. 58839
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(vi) The transfer is made to a trust created by or caused to be created by a court, and the trust was directly or indirectly created in connection with or as a result of the death of an individual who, for purposes of the taxes levied under Chapter 5731. of the Revised Code, was domiciled in this state at the time of the individual's death. 58843
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(g) The tax commissioner may adopt rules to ascertain the part of a trust residing in this state. 58849
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(J) "Nonresident" means an individual or estate that is not a resident. An individual who is a resident for only part of a taxable year is a nonresident for the remainder of that taxable year. 58851
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(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 58855
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(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required. 58857
58858
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(M) "Taxable year" means the calendar year or the taxpayer's 58861

fiscal year ending during the calendar year, or fractional part 58862
thereof, upon which the adjusted gross income is calculated 58863
pursuant to this chapter. 58864

(N) "Taxpayer" means any person subject to the tax imposed by 58865
section 5747.02 of the Revised Code or any pass-through entity 58866
that makes the election under division (D) of section 5747.08 of 58867
the Revised Code. 58868

(O) "Dependents" means one of the following: 58869

(1) For taxable years beginning on or after January 1, 2018, 58870
and before January 1, 2026, dependents as defined in the Internal 58871
Revenue Code; 58872

(2) For all other taxable years, dependents as defined in the 58873
Internal Revenue Code and as claimed in the taxpayer's federal 58874
income tax return for the taxable year or which the taxpayer would 58875
have been permitted to claim had the taxpayer filed a federal 58876
income tax return. 58877

(P) "Principal county of employment" means, in the case of a 58878
nonresident, the county within the state in which a taxpayer 58879
performs services for an employer or, if those services are 58880
performed in more than one county, the county in which the major 58881
portion of the services are performed. 58882

(Q) As used in sections 5747.50 to 5747.55 of the Revised 58883
Code: 58884

(1) "Subdivision" means any county, municipal corporation, 58885
park district, or township. 58886

(2) "Essential local government purposes" includes all 58887
functions that any subdivision is required by general law to 58888
exercise, including like functions that are exercised under a 58889
charter adopted pursuant to the Ohio Constitution. 58890

(R) "Overpayment" means any amount already paid that exceeds 58891

the figure determined to be the correct amount of the tax. 58892

(S) "Taxable income" or "Ohio taxable income" applies only to 58893
estates and trusts, and means federal taxable income, as defined 58894
and used in the Internal Revenue Code, adjusted as follows: 58895

(1) Add interest or dividends, net of ordinary, necessary, 58896
and reasonable expenses not deducted in computing federal taxable 58897
income, on obligations or securities of any state or of any 58898
political subdivision or authority of any state, other than this 58899
state and its subdivisions and authorities, but only to the extent 58900
that such net amount is not otherwise includible in Ohio taxable 58901
income and is described in either division (S)(1)(a) or (b) of 58902
this section: 58903

(a) The net amount is not attributable to the S portion of an 58904
electing small business trust and has not been distributed to 58905
beneficiaries for the taxable year; 58906

(b) The net amount is attributable to the S portion of an 58907
electing small business trust for the taxable year. 58908

(2) Add interest or dividends, net of ordinary, necessary, 58909
and reasonable expenses not deducted in computing federal taxable 58910
income, on obligations of any authority, commission, 58911
instrumentality, territory, or possession of the United States to 58912
the extent that the interest or dividends are exempt from federal 58913
income taxes but not from state income taxes, but only to the 58914
extent that such net amount is not otherwise includible in Ohio 58915
taxable income and is described in either division (S)(1)(a) or 58916
(b) of this section; 58917

(3) Add the amount of personal exemption allowed to the 58918
estate pursuant to section 642(b) of the Internal Revenue Code; 58919

(4) Deduct interest or dividends, net of related expenses 58920
deducted in computing federal taxable income, on obligations of 58921
the United States and its territories and possessions or of any 58922

authority, commission, or instrumentality of the United States to 58923
the extent that the interest or dividends are exempt from state 58924
taxes under the laws of the United States, but only to the extent 58925
that such amount is included in federal taxable income and is 58926
described in either division (S)(1)(a) or (b) of this section; 58927

(5) Deduct the amount of wages and salaries, if any, not 58928
otherwise allowable as a deduction but that would have been 58929
allowable as a deduction in computing federal taxable income for 58930
the taxable year, had the ~~targeted jobs~~ work opportunity tax 58931
credit allowed under sections 38, 51, and 52 of the Internal 58932
Revenue Code not been in effect, but only to the extent such 58933
amount relates either to income included in federal taxable income 58934
for the taxable year or to income of the S portion of an electing 58935
small business trust for the taxable year; 58936

(6) Deduct any interest or interest equivalent, net of 58937
related expenses deducted in computing federal taxable income, on 58938
public obligations and purchase obligations, but only to the 58939
extent that such net amount relates either to income included in 58940
federal taxable income for the taxable year or to income of the S 58941
portion of an electing small business trust for the taxable year; 58942

(7) Add any loss or deduct any gain resulting from sale, 58943
exchange, or other disposition of public obligations to the extent 58944
that such loss has been deducted or such gain has been included in 58945
computing either federal taxable income or income of the S portion 58946
of an electing small business trust for the taxable year; 58947

(8) Except in the case of the final return of an estate, add 58948
any amount deducted by the taxpayer on both its Ohio estate tax 58949
return pursuant to section 5731.14 of the Revised Code, and on its 58950
federal income tax return in determining federal taxable income; 58951

(9)(a) Deduct any amount included in federal taxable income 58952
solely because the amount represents a reimbursement or refund of 58953

expenses that in a previous year the decedent had deducted as an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable treasury regulations. The deduction otherwise allowed under division (S)(9)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer or decedent deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio taxable income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio taxable income in any taxable year, but only to the extent such amount has not been distributed to beneficiaries for the taxable year.

(10) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's taxable income or the decedent's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year.

(b) It does not otherwise reduce the taxpayer's taxable income or the decedent's adjusted gross income for the current or any other taxable year.

(11) Add any amount claimed as a credit under section 5747.059 of the Revised Code to the extent that the amount satisfies either of the following:

(a) The amount was deducted or excluded from the computation of the taxpayer's federal taxable income as required to be reported for the taxpayer's taxable year under the Internal

Revenue Code;	58985
(b) The amount resulted in a reduction in the taxpayer's federal taxable income as required to be reported for any of the taxpayer's taxable years under the Internal Revenue Code.	58986 58987 58988
(12) Deduct any amount, net of related expenses deducted in computing federal taxable income, that a trust is required to report as farm income on its federal income tax return, but only if the assets of the trust include at least ten acres of land satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.	58989 58990 58991 58992 58993 58994 58995 58996 58997 58998 58999 59000
Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.	59001 59002 59003 59004
(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.	59005 59006 59007
(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(17) or (18) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section.	59008 59009 59010 59011 59012
(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.	59013 59014
(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7)	59015

of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.

(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.

(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.

(Y) "Month" means a calendar month.

(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.

(AA)(1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code

are satisfied for the trust's taxable year in which the trust 59046
recognizes the gain or loss. 59047

Any gain or loss that is not a qualifying trust amount is 59048
modified business income, qualifying investment income, or 59049
modified nonbusiness income, as the case may be. 59050

(3) "Modified nonbusiness income" means a trust's Ohio 59051
taxable income other than modified business income, other than the 59052
qualifying trust amount, and other than qualifying investment 59053
income, as defined in section 5747.012 of the Revised Code, to the 59054
extent such qualifying investment income is not otherwise part of 59055
modified business income. 59056

(4) "Modified Ohio taxable income" applies only to trusts, 59057
and means the sum of the amounts described in divisions (AA)(4)(a) 59058
to (c) of this section: 59059

(a) The fraction, calculated under section 5747.013, and 59060
applying section 5747.231 of the Revised Code, multiplied by the 59061
sum of the following amounts: 59062

(i) The trust's modified business income; 59063

(ii) The trust's qualifying investment income, as defined in 59064
section 5747.012 of the Revised Code, but only to the extent the 59065
qualifying investment income does not otherwise constitute 59066
modified business income and does not otherwise constitute a 59067
qualifying trust amount. 59068

(b) The qualifying trust amount multiplied by a fraction, the 59069
numerator of which is the sum of the book value of the qualifying 59070
investee's physical assets in this state on the last day of the 59071
qualifying investee's fiscal or calendar year ending immediately 59072
prior to the day on which the trust recognizes the qualifying 59073
trust amount, and the denominator of which is the sum of the book 59074
value of the qualifying investee's total physical assets 59075
everywhere on the last day of the qualifying investee's fiscal or 59076

calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (AA)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (AA)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (AA)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (AA)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (AA)(2)(a) of this section and for the purpose of computing the fraction described in division (AA)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying investee" includes all persons in the qualifying controlled group on such last day.

(ii) If the qualifying investee, or if the qualifying investee and any members of the qualifying controlled group of which the qualifying investee is a member on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, separately or cumulatively own, directly or indirectly, on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount, more than fifty per cent of the equity of a pass-through entity, then the qualifying investee and the other members are deemed to own the proportionate share of the pass-through entity's physical assets which the pass-through entity directly or indirectly owns on the last day of the pass-through entity's calendar or fiscal year ending within or with the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the qualifying trust amount.

(iii) For the purposes of division (AA)(5)(a)(iii) of this section, "upper level pass-through entity" means a pass-through

entity directly or indirectly owning any equity of another 59141
pass-through entity, and "lower level pass-through entity" means 59142
that other pass-through entity. 59143

An upper level pass-through entity, whether or not it is also 59144
a qualifying investee, is deemed to own, on the last day of the 59145
upper level pass-through entity's calendar or fiscal year, the 59146
proportionate share of the lower level pass-through entity's 59147
physical assets that the lower level pass-through entity directly 59148
or indirectly owns on the last day of the lower level pass-through 59149
entity's calendar or fiscal year ending within or with the last 59150
day of the upper level pass-through entity's fiscal or calendar 59151
year. If the upper level pass-through entity directly and 59152
indirectly owns less than fifty per cent of the equity of the 59153
lower level pass-through entity on each day of the upper level 59154
pass-through entity's calendar or fiscal year in which or with 59155
which ends the calendar or fiscal year of the lower level 59156
pass-through entity and if, based upon clear and convincing 59157
evidence, complete information about the location and cost of the 59158
physical assets of the lower pass-through entity is not available 59159
to the upper level pass-through entity, then solely for purposes 59160
of ascertaining if a gain or loss constitutes a qualifying trust 59161
amount, the upper level pass-through entity shall be deemed as 59162
owning no equity of the lower level pass-through entity for each 59163
day during the upper level pass-through entity's calendar or 59164
fiscal year in which or with which ends the lower level 59165
pass-through entity's calendar or fiscal year. Nothing in division 59166
(AA)(5)(a)(iii) of this section shall be construed to provide for 59167
any deduction or exclusion in computing any trust's Ohio taxable 59168
income. 59169

(b) With respect to a trust that is not a resident for the 59170
taxable year and with respect to a part of a trust that is not a 59171
resident for the taxable year, "qualifying investee" for that 59172

taxable year does not include a C corporation if both of the	59173
following apply:	59174
(i) During the taxable year the trust or part of the trust	59175
recognizes a gain or loss from the sale, exchange, or other	59176
disposition of equity or ownership interests in, or debt	59177
obligations of, the C corporation.	59178
(ii) Such gain or loss constitutes nonbusiness income.	59179
(6) "Available" means information is such that a person is	59180
able to learn of the information by the due date plus extensions,	59181
if any, for filing the return for the taxable year in which the	59182
trust recognizes the gain or loss.	59183
(BB) "Qualifying controlled group" has the same meaning as in	59184
section 5733.04 of the Revised Code.	59185
(CC) "Related member" has the same meaning as in section	59186
5733.042 of the Revised Code.	59187
(DD)(1) For the purposes of division (DD) of this section:	59188
(a) "Qualifying person" means any person other than a	59189
qualifying corporation.	59190
(b) "Qualifying corporation" means any person classified for	59191
federal income tax purposes as an association taxable as a	59192
corporation, except either of the following:	59193
(i) A corporation that has made an election under subchapter	59194
S, chapter one, subtitle A, of the Internal Revenue Code for its	59195
taxable year ending within, or on the last day of, the investor's	59196
taxable year;	59197
(ii) A subsidiary that is wholly owned by any corporation	59198
that has made an election under subchapter S, chapter one,	59199
subtitle A of the Internal Revenue Code for its taxable year	59200
ending within, or on the last day of, the investor's taxable year.	59201
(2) For the purposes of this chapter, unless expressly stated	59202

otherwise, no qualifying person indirectly owns any asset directly 59203
or indirectly owned by any qualifying corporation. 59204

(EE) For purposes of this chapter and Chapter 5751. of the 59205
Revised Code: 59206

(1) "Trust" does not include a qualified pre-income tax 59207
trust. 59208

(2) A "qualified pre-income tax trust" is any pre-income tax 59209
trust that makes a qualifying pre-income tax trust election as 59210
described in division (EE)(3) of this section. 59211

(3) A "qualifying pre-income tax trust election" is an 59212
election by a pre-income tax trust to subject to the tax imposed 59213
by section 5751.02 of the Revised Code the pre-income tax trust 59214
and all pass-through entities of which the trust owns or controls, 59215
directly, indirectly, or constructively through related interests, 59216
five per cent or more of the ownership or equity interests. The 59217
trustee shall notify the tax commissioner in writing of the 59218
election on or before April 15, 2006. The election, if timely 59219
made, shall be effective on and after January 1, 2006, and shall 59220
apply for all tax periods and tax years until revoked by the 59221
trustee of the trust. 59222

(4) A "pre-income tax trust" is a trust that satisfies all of 59223
the following requirements: 59224

(a) The document or instrument creating the trust was 59225
executed by the grantor before January 1, 1972; 59226

(b) The trust became irrevocable upon the creation of the 59227
trust; and 59228

(c) The grantor was domiciled in this state at the time the 59229
trust was created. 59230

(FF) "Uniformed services" has the same meaning as in 10 59231
U.S.C. 101. 59232

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division ~~(A)(31)~~ (A)(28) of this section for the taxable year.

(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1.

(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under division (A)(28) of this section for the taxable year.

(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is defined in section 62 of the Internal Revenue Code, and who holds a certificate, license, or permit described in Chapter 3319. or section 3301.071 of the Revised Code.

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant

to Chapter 3770. of the Revised Code, on every individual, trust, 59264
and estate earning or receiving winnings on casino gaming, and on 59265
every individual, trust, and estate otherwise having nexus with or 59266
in this state under the Constitution of the United States, an 59267
annual tax measured as prescribed in divisions (A)(1) to (4) of 59268
this section. 59269

(1) In the case of trusts, the tax imposed by this section 59270
shall be measured by modified Ohio taxable income under division 59271
(D) of this section and levied in the same amount as the tax is 59272
imposed on estates as prescribed in division (A)(2) of this 59273
section. 59274

(2) In the case of estates, the tax imposed by this section 59275
shall be measured by Ohio taxable income. The tax shall be levied 59276
at the rate of one and ~~forty-two~~ thirty-nine thousand ~~seven~~ eight 59277
hundred ~~forty-four~~ eighty-nine hundred-thousandths per cent for 59278
the first ~~twenty-one~~ twenty-two thousand ~~seven~~ four hundred ~~fifty~~ 59279
dollars of such income and, for income in excess of that amount, 59280
the tax shall be levied at the same rates prescribed in division 59281
(A)(3) of this section for individuals. 59282

(3) In the case of individuals, the tax imposed by this 59283
section on income other than taxable business income shall be 59284
measured by Ohio adjusted gross income, less taxable business 59285
income and less an exemption for the taxpayer, the taxpayer's 59286
spouse, and each dependent as provided in section 5747.025 of the 59287
Revised Code. If the balance thus obtained is equal to or less 59288
than ~~twenty-one~~ twenty-two thousand ~~seven~~ four hundred ~~fifty~~ 59289
dollars, no tax shall be imposed on that balance. If the balance 59290
thus obtained is greater than ~~twenty-one~~ twenty-two thousand ~~seven~~ 59291
four hundred ~~fifty~~ dollars, the tax is hereby levied as follows: 59292

OHIO ADJUSTED GROSS INCOME LESS TAXABLE BUSINESS INCOME AND TAX 59293
EXEMPTIONS (INDIVIDUALS) OR MODIFIED OHIO TAXABLE INCOME (TRUSTS)

OR OHIO TAXABLE INCOME (ESTATES)

More than \$21,750 <u>22,400</u> but not	\$310.47 <u>313.35</u> plus 2.850 <u>2.793</u> %	59294
more than \$43,450 <u>44,800</u>	of the amount in excess of	
	\$21,750 <u>22,400</u>	
More than \$43,450 <u>44,800</u> but not	\$928.92 <u>938.98</u> plus 3.326 <u>3.259</u> %	59295
more than \$86,900 <u>89,500</u>	of the amount in excess of	
	\$43,450 <u>44,800</u>	
More than \$86,900 <u>89,500</u> but not	\$2,374.07 <u>2,395.75</u> plus 3.802	59296
more than \$108,700 <u>112,000</u>	<u>3.726</u> % of the amount in excess of	
	\$86,900 <u>89,500</u>	
More than \$108,700 <u>112,000</u> but	\$3,202.91 <u>3,234.10</u> plus 4.413	59297
not more than \$217,400 <u>223,950</u>	<u>4.325</u> % of the amount in excess of	
	\$108,700 <u>112,000</u>	
More than \$217,400 <u>223,950</u>	\$7,999.84 <u>8,075.94</u> plus 4.797	59298
	<u>4.701</u> % of the amount in excess of	
	\$217,400 <u>223,950</u>	

(4)(a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income.

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section.

(5) Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts

resulting from the adjustment under this division in the preceding 59315
year, adding the resulting product to the corresponding income 59316
amount resulting from the adjustment in the preceding year, and 59317
rounding the resulting sum to the nearest multiple of fifty 59318
dollars. The tax commissioner also shall recompute each of the tax 59319
dollar amounts to the extent necessary to reflect the new 59320
adjustment of the income amounts. To recompute the tax dollar 59321
amount corresponding to the lowest tax rate in division (A)(3) of 59322
this section, the commissioner shall multiply the tax rate 59323
prescribed in division (A)(2) of this section by the income amount 59324
specified in that division and as adjusted according to this 59325
paragraph. The rates of taxation shall not be adjusted. 59326

The adjusted amounts apply to taxable years beginning in the 59327
calendar year in which the adjustments are made and to taxable 59328
years beginning in each ensuing calendar year until a calendar 59329
year in which a new adjustment is made pursuant to this division. 59330
The tax commissioner shall not make a new adjustment in any year 59331
in which the amount resulting from the adjustment would be less 59332
than the amount resulting from the adjustment in the preceding 59333
year. 59334

(B) If the director of budget and management makes a 59335
certification to the tax commissioner under division (B) of 59336
section 131.44 of the Revised Code, the amount of tax as 59337
determined under divisions (A)(1) to (3) of this section shall be 59338
reduced by the percentage prescribed in that certification for 59339
taxable years beginning in the calendar year in which that 59340
certification is made. 59341

(C)(1) The tax imposed by this section on a trust shall be 59342
computed by multiplying the Ohio modified taxable income of the 59343
trust by the rates prescribed by division (A) of this section. 59344

(2) A resident trust may claim a credit against the tax 59345
computed under division (C) of this section equal to the lesser of 59346

(a) the tax paid to another state or the District of Columbia on 59347
the resident trust's modified nonbusiness income, other than the 59348
portion of the resident trust's nonbusiness income that is 59349
qualifying investment income as defined in section 5747.012 of the 59350
Revised Code, or (b) the effective tax rate, based on modified 59351
Ohio taxable income, multiplied by the resident trust's modified 59352
nonbusiness income other than the portion of the resident trust's 59353
nonbusiness income that is qualifying investment income. The 59354
credit applies before any other applicable credits. 59355

(3) Any credit authorized against the tax imposed by this 59356
section applies to a trust subject to division (C) of this section 59357
only if the trust otherwise qualifies for the credit. To the 59358
extent that the trust distributes income for the taxable year for 59359
which a credit is available to the trust, the credit shall be 59360
shared by the trust and its beneficiaries. The tax commissioner 59361
and the trust shall be guided by applicable regulations of the 59362
United States treasury regarding the sharing of credits. 59363

(D) For the purposes of this section, "trust" means any trust 59364
described in Subchapter J of Chapter 1 of the Internal Revenue 59365
Code, excluding trusts that are not irrevocable as defined in 59366
division (I)(3)(b) of section 5747.01 of the Revised Code and that 59367
have no modified Ohio taxable income for the taxable year, 59368
charitable remainder trusts, qualified funeral trusts and preneed 59369
funeral contract trusts established pursuant to sections 4717.31 59370
to 4717.38 of the Revised Code that are not qualified funeral 59371
trusts, endowment and perpetual care trusts, qualified settlement 59372
trusts and funds, designated settlement trusts and funds, and 59373
trusts exempted from taxation under section 501(a) of the Internal 59374
Revenue Code. 59375

(E) Nothing in division (A)(3) of this section shall prohibit 59376
an individual with an Ohio adjusted gross income, less taxable 59377
business income and exemptions, of ~~twenty-one~~ twenty-two thousand 59378

~~seven~~ four hundred ~~fifty~~ dollars or less from filing a return 59379
under this chapter to receive a refund of taxes withheld or to 59380
claim any refundable credit allowed under this chapter. 59381

Sec. 5747.05. As used in this section, "income tax" includes 59382
both a tax on net income and a tax measured by net income. 59383

The following credits shall be allowed against the aggregate 59384
income tax liability imposed by section 5747.02 of the Revised 59385
Code on individuals and estates: 59386

(A)(1) The amount of tax otherwise due under section 5747.02 59387
of the Revised Code on such portion of the combined adjusted gross 59388
income and business income of any nonresident taxpayer that is not 59389
allocable or apportionable to this state pursuant to sections 59390
5747.20 to 5747.23 of the Revised Code. The credit provided under 59391
this division shall not exceed the total tax due under section 59392
5747.02 of the Revised Code. 59393

(2) The tax commissioner may enter into an agreement with the 59394
taxing authorities of any state or of the District of Columbia 59395
that imposes an income tax to provide that compensation paid in 59396
this state to a nonresident taxpayer shall not be subject to the 59397
tax levied in section 5747.02 of the Revised Code so long as 59398
compensation paid in such other state or in the District of 59399
Columbia to a resident taxpayer shall likewise not be subject to 59400
the income tax of such other state or of the District of Columbia. 59401

(B) The lesser of division (B)(1) or (2) of this section: 59402

(1) The aggregate amount of tax otherwise due under section 59403
5747.02 of the Revised Code on such portion of the combined 59404
adjusted gross income and business income of a resident taxpayer 59405
that in another state or in the District of Columbia is subjected 59406
to an income tax. The credit provided under division (B)(1) of 59407
this section shall not exceed the total tax due under section 59408

5747.02 of the Revised Code. 59409

(2) The amount of income tax liability to another state or 59410
the District of Columbia on the portion of the combined adjusted 59411
gross income and business income of a resident taxpayer that in 59412
another state or in the District of Columbia is subjected to an 59413
income tax. The credit provided under division (B)(2) of this 59414
section shall not exceed the total amount of tax otherwise due 59415
under section 5747.02 of the Revised Code. 59416

(3) If the credit provided under division (B) of this section 59417
is affected by a change in either the portion of the combined 59418
adjusted gross income and business income of a resident taxpayer 59419
subjected to an income tax in another state or the District of 59420
Columbia or the amount of income tax liability that has been paid 59421
to another state or the District of Columbia, the taxpayer shall 59422
report the change to the tax commissioner within ~~sixty~~ ninety days 59423
of the change in such form as the commissioner requires. 59424

(a) In the case of an underpayment, the report shall be 59425
accompanied by payment of any additional tax due as a result of 59426
the reduction in credit together with interest on the additional 59427
tax and is a return subject to assessment under section 5747.13 of 59428
the Revised Code solely for the purpose of assessing any 59429
additional tax due under this division, together with any 59430
applicable penalty and interest. It shall not reopen the 59431
computation of the taxpayer's tax liability under this chapter 59432
from a previously filed return no longer subject to assessment 59433
except to the extent that such liability is affected by an 59434
adjustment to the credit allowed by division (B) of this section. 59435

(b) In the case of an overpayment, an application for refund 59436
may be filed under this division within the ~~sixty-day~~ ninety-day 59437
period prescribed for filing the report even if it is beyond the 59438
period prescribed in section 5747.11 of the Revised Code if it 59439
otherwise conforms to the requirements of such section. An 59440

application filed under this division shall only claim refund of 59441
overpayments resulting from an adjustment to the credit allowed by 59442
division (B) of this section unless it is also filed within the 59443
time prescribed in section 5747.11 of the Revised Code. It shall 59444
not reopen the computation of the taxpayer's tax liability except 59445
to the extent that such liability is affected by an adjustment to 59446
the credit allowed by division (B) of this section. 59447

(4) No credit shall be allowed under division (B) of this 59448
section: 59449

(a) For income tax paid or accrued to another state or to the 59450
District of Columbia if the taxpayer, when computing federal 59451
adjusted gross income, has directly or indirectly deducted, or was 59452
required to directly or indirectly deduct, the amount of that 59453
income tax; 59454

(b) For compensation that is not subject to the income tax of 59455
another state or the District of Columbia as the result of an 59456
agreement entered into by the tax commissioner under division 59457
(A)(3) of this section; or 59458

(c) For income tax paid or accrued to another state or the 59459
District of Columbia if the taxpayer fails to furnish such proof 59460
as the tax commissioner shall require that such income tax 59461
liability has been paid. 59462

(C) An individual who is a resident for part of a taxable 59463
year and a nonresident for the remainder of the taxable year is 59464
allowed the credits under divisions (A) and (B) of this section in 59465
accordance with rules prescribed by the tax commissioner. In no 59466
event shall the same income be subject to both credits. 59467

(D) The credit allowed under division (A) of this section 59468
shall be calculated based upon the amount of tax due under section 59469
5747.02 of the Revised Code after subtracting any other credits 59470
that precede the credit under that division in the order required 59471

under section 5747.98 of the Revised Code. The credit allowed 59472
under division (B) of this section shall be calculated based upon 59473
the amount of tax due under section 5747.02 of the Revised Code 59474
after subtracting any other credits that precede the credit under 59475
that division in the order required under section 5747.98 of the 59476
Revised Code. 59477

(E)(1) On a joint return filed by a husband and wife, each of 59478
whom had adjusted gross income of at least five hundred dollars, 59479
exclusive of interest, dividends and distributions, royalties, 59480
rent, and capital gains, a credit equal to the lesser of six 59481
hundred fifty dollars or the percentage shown in column B that 59482
corresponds with the taxpayer's modified adjusted gross income, 59483
less exemptions for the taxable year, of the total amount of tax 59484
due after allowing for any other credit that precedes this credit 59485
as required under section 5747.98 of the Revised Code: 59486

A.	B.	
IF THE MODIFIED ADJUSTED GROSS	THE CREDIT FOR THE TAXABLE	59488
INCOME, LESS EXEMPTIONS, FOR THE	YEAR IS:	
TAX YEAR IS:		
\$25,000 or less	20%	59489
More than \$25,000 but not more	15%	59490
than \$50,000		
More than \$50,000 but not more	10%	59491
than \$75,000		
More than \$75,000	5%	59492

(2) The credit shall be claimed in the order required under 59493
section 5747.98 of the Revised Code. 59494

(F) No claim for credit under this section shall be allowed 59495
unless the claimant furnishes such supporting information as the 59496
tax commissioner prescribes by rules. 59497

Sec. 5747.08. An annual return with respect to the tax 59498

imposed by section 5747.02 of the Revised Code and each tax 59499
imposed under Chapter 5748. of the Revised Code shall be made by 59500
every taxpayer for any taxable year for which the taxpayer is 59501
liable for the tax imposed by that section or under that chapter, 59502
unless the total credits allowed under division (E) of section 59503
5747.05 and divisions (F) and (G) of section 5747.055 of the 59504
Revised Code for the year are equal to or exceed the tax imposed 59505
by section 5747.02 of the Revised Code, in which case no return 59506
shall be required unless the taxpayer is liable for a tax imposed 59507
pursuant to Chapter 5748. of the Revised Code. 59508

(A) If an individual is deceased, any return or notice 59509
required of that individual under this chapter shall be made and 59510
filed by that decedent's executor, administrator, or other person 59511
charged with the property of that decedent. 59512

(B) If an individual is unable to make a return or notice 59513
required by this chapter, the return or notice required of that 59514
individual shall be made and filed by the individual's duly 59515
authorized agent, guardian, conservator, fiduciary, or other 59516
person charged with the care of the person or property of that 59517
individual. 59518

(C) Returns or notices required of an estate or a trust shall 59519
be made and filed by the fiduciary of the estate or trust. 59520

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 59521
of this section, any pass-through entity may file a single return 59522
on behalf of one or more of the entity's investors other than an 59523
investor that is a person subject to the tax imposed under section 59524
5733.06 of the Revised Code. The single return shall set forth the 59525
name, address, and social security number or other identifying 59526
number of each of those pass-through entity investors and shall 59527
indicate the distributive share of each of those pass-through 59528
entity investor's income taxable in this state in accordance with 59529

sections 5747.20 to 5747.231 of the Revised Code. Such 59530
pass-through entity investors for whom the pass-through entity 59531
elects to file a single return are not entitled to the exemption 59532
or credit provided for by sections 5747.02 and 5747.022 of the 59533
Revised Code; shall calculate the tax before business credits at 59534
the highest rate of tax set forth in section 5747.02 of the 59535
Revised Code for the taxable year for which the return is filed; 59536
and are entitled to only their distributive share of the business 59537
credits as defined in division (D)(2) of this section. A single 59538
check drawn by the pass-through entity shall accompany the return 59539
in full payment of the tax due, as shown on the single return, for 59540
such investors, other than investors who are persons subject to 59541
the tax imposed under section 5733.06 of the Revised Code. 59542

(b)(i) A pass-through entity shall not include in such a 59543
single return any investor that is a trust to the extent that any 59544
direct or indirect current, future, or contingent beneficiary of 59545
the trust is a person subject to the tax imposed under section 59546
5733.06 of the Revised Code. 59547

(ii) A pass-through entity shall not include in such a single 59548
return any investor that is itself a pass-through entity to the 59549
extent that any direct or indirect investor in the second 59550
pass-through entity is a person subject to the tax imposed under 59551
section 5733.06 of the Revised Code. 59552

(c) Nothing in division (D) of this section precludes the tax 59553
commissioner from requiring such investors to file the return and 59554
make the payment of taxes and related interest, penalty, and 59555
interest penalty required by this section or section 5747.02, 59556
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 59557
of this section precludes such an investor from filing the annual 59558
return under this section, utilizing the refundable credit equal 59559
to the investor's proportionate share of the tax paid by the 59560
pass-through entity on behalf of the investor under division (I) 59561

of this section, and making the payment of taxes imposed under 59562
section 5747.02 of the Revised Code. Nothing in division (D) of 59563
this section shall be construed to provide to such an investor or 59564
pass-through entity any additional deduction or credit, other than 59565
the credit provided by division (I) of this section, solely on 59566
account of the entity's filing a return in accordance with this 59567
section. Such a pass-through entity also shall make the filing and 59568
payment of estimated taxes on behalf of the pass-through entity 59569
investors other than an investor that is a person subject to the 59570
tax imposed under section 5733.06 of the Revised Code. 59571

(2) For the purposes of this section, "business credits" 59572
means the credits listed in section 5747.98 of the Revised Code 59573
excluding the following credits: 59574

(a) The retirement income credit under division (B) of 59575
section 5747.055 of the Revised Code; 59576

(b) The senior citizen credit under division (F) of section 59577
5747.055 of the Revised Code; 59578

(c) The lump sum distribution credit under division (G) of 59579
section 5747.055 of the Revised Code; 59580

(d) The dependent care credit under section 5747.054 of the 59581
Revised Code; 59582

(e) The lump sum retirement income credit under division (C) 59583
of section 5747.055 of the Revised Code; 59584

(f) The lump sum retirement income credit under division (D) 59585
of section 5747.055 of the Revised Code; 59586

(g) The lump sum retirement income credit under division (E) 59587
of section 5747.055 of the Revised Code; 59588

(h) The credit for displaced workers who pay for job training 59589
under section 5747.27 of the Revised Code; 59590

(i) The twenty-dollar personal exemption credit under section 59591

5747.022 of the Revised Code;	59592
(j) The joint filing credit under division (E) of section 5747.05 of the Revised Code;	59593 59594
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	59595 59596
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	59597 59598
(m) The earned income tax credit under section 5747.71 of the Revised Code;	59599 59600
(n) The lead abatement credit under section 5747.26 of the Revised Code.	59601 59602
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return.	59603 59604 59605 59606 59607 59608 59609 59610
(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of division (D) of this section, "correct tax due" means the tax that	59611 59612 59613 59614 59615 59616 59617 59618 59619 59620 59621 59622

would have been paid by the pass-through entity had the single 59623
return been filed in a manner reflecting the commissioner's 59624
findings. Nothing in division (D) of this section shall be 59625
construed to make or hold a pass-through entity liable for tax 59626
attributable to a pass-through entity investor's income from a 59627
source other than the pass-through entity electing to file the 59628
single return. 59629

(E) If a husband and wife file a joint federal income tax 59630
return for a taxable year, they shall file a joint return under 59631
this section for that taxable year, and their liabilities are 59632
joint and several, but, if the federal income tax liability of 59633
either spouse is determined on a separate federal income tax 59634
return, they shall file separate returns under this section. 59635

If either spouse is not required to file a federal income tax 59636
return and either or both are required to file a return pursuant 59637
to this chapter, they may elect to file separate or joint returns, 59638
and, pursuant to that election, their liabilities are separate or 59639
joint and several. If a husband and wife file separate returns 59640
pursuant to this chapter, each must claim the taxpayer's own 59641
exemption, but not both, as authorized under section 5747.02 of 59642
the Revised Code on the taxpayer's own return. 59643

(F) Each return or notice required to be filed under this 59644
section shall contain the signature of the taxpayer or the 59645
taxpayer's duly authorized agent and of the person who prepared 59646
the return for the taxpayer, and shall include the taxpayer's 59647
social security number. Each return shall be verified by a 59648
declaration under the penalties of perjury. The tax commissioner 59649
shall prescribe the form that the signature and declaration shall 59650
take. 59651

(G) Each return or notice required to be filed under this 59652
section shall be made and filed as required by section 5747.04 of 59653
the Revised Code, on or before the fifteenth day of April of each 59654

year, on forms that the tax commissioner shall prescribe, together 59655
with remittance made payable to the treasurer of state in the 59656
combined amount of the state and all school district income taxes 59657
shown to be due on the form. 59658

Upon good cause shown, the commissioner may extend the period 59659
for filing any notice or return required to be filed under this 59660
section and may adopt rules relating to extensions. If the 59661
extension results in an extension of time for the payment of any 59662
state or school district income tax liability with respect to 59663
which the return is filed, the taxpayer shall pay at the time the 59664
tax liability is paid an amount of interest computed at the rate 59665
per annum prescribed by section 5703.47 of the Revised Code on 59666
that liability from the time that payment is due without extension 59667
to the time of actual payment. Except as provided in section 59668
5747.132 of the Revised Code, in addition to all other interest 59669
charges and penalties, all taxes imposed under this chapter or 59670
Chapter 5748. of the Revised Code and remaining unpaid after they 59671
become due, except combined amounts due of one dollar or less, 59672
bear interest at the rate per annum prescribed by section 5703.47 59673
of the Revised Code until paid or until the day an assessment is 59674
issued under section 5747.13 of the Revised Code, whichever occurs 59675
first. 59676

If the commissioner considers it necessary in order to ensure 59677
the payment of the tax imposed by section 5747.02 of the Revised 59678
Code or any tax imposed under Chapter 5748. of the Revised Code, 59679
the commissioner may require returns and payments to be made 59680
otherwise than as provided in this section. 59681

To the extent that any provision in this division conflicts 59682
with any provision in section 5747.026 of the Revised Code, the 59683
provision in that section prevails. 59684

(H) The amounts withheld ~~by an employer~~ pursuant to section 59685
5747.06 ~~of the Revised Code, a casino operator pursuant to~~ 59686

~~section, 5747.062, 5747.063 of the Revised Code, or a lottery sales agent pursuant to section, 5747.064, or 5747.071 of the Revised Code shall be allowed to the ultimate recipient of the ~~compensation casino winnings, or lottery prize award income~~ as credits against payment of the appropriate taxes imposed on the ultimate recipient by section 5747.02 and under Chapter 5748. of the Revised Code. As used in this division, "ultimate recipient" means the person who is required to report income from which amounts are withheld pursuant to section 5747.06, 5747.062, 5747.063, 5747.064, or 5747.071 of the Revised Code on the annual return required to be filed under this section.~~

(I) If a pass-through entity elects to file a single return under division (D) of this section and if any investor is required to file the annual return and make the payment of taxes required by this chapter on account of the investor's other income that is not included in a single return filed by a pass-through entity or any other investor elects to file the annual return, the investor is entitled to a refundable credit equal to the investor's proportionate share of the tax paid by the pass-through entity on behalf of the investor. The investor shall claim the credit for the investor's taxable year in which or with which ends the taxable year of the pass-through entity. Nothing in this chapter shall be construed to allow any credit provided in this chapter to be claimed more than once. For the purpose of computing any interest, penalty, or interest penalty, the investor shall be deemed to have paid the refundable credit provided by this division on the day that the pass-through entity paid the estimated tax or the tax giving rise to the credit.

(J) The tax commissioner shall ensure that each return required to be filed under this section includes a box that the taxpayer may check to authorize a paid tax preparer who prepared the return to communicate with the department of taxation about

matters pertaining to the return. The return or instructions 59719
accompanying the return shall indicate that by checking the box 59720
the taxpayer authorizes the department of taxation to contact the 59721
preparer concerning questions that arise during the processing of 59722
the return and authorizes the preparer only to provide the 59723
department with information that is missing from the return, to 59724
contact the department for information about the processing of the 59725
return or the status of the taxpayer's refund or payments, and to 59726
respond to notices about mathematical errors, offsets, or return 59727
preparation that the taxpayer has received from the department and 59728
has shown to the preparer. 59729

(K) The tax commissioner shall permit individual taxpayers to 59730
instruct the department of taxation to cause any refund of 59731
overpaid taxes to be deposited directly into a checking account, 59732
savings account, or an individual retirement account or individual 59733
retirement annuity, or preexisting college savings plan or program 59734
account offered by the Ohio tuition trust authority under Chapter 59735
3334. of the Revised Code, as designated by the taxpayer, when the 59736
taxpayer files the annual return required by this section 59737
electronically. 59738

(L) A taxpayer claiming the deduction under division 59739
~~(A)(31)~~(A)(28) of section 5747.01 of the Revised Code for a 59740
taxable year shall indicate on the taxpayer's return the north 59741
American industry classification system code of each business or 59742
professional activity from which the taxpayer's business income 59743
was derived. The tax commissioner shall provide space on the 59744
return for this purpose and shall prescribe, by rule adopted in 59745
accordance with Chapter 119. of the Revised Code, the manner by 59746
which such a taxpayer shall determine the taxpayer's proper 59747
classification codes and business or professional activities from 59748
which the taxpayer derives business income. 59749

(M) The tax commissioner may adopt rules to administer this 59750

section. 59751

Sec. 5747.10. (A) As used in this section: 59752

(1) "Audited partnership" means a partnership subject to an 59753
examination by the internal revenue service pursuant to subchapter 59754
C, chapter 63, subtitle F of the Internal Revenue Code resulting 59755
in a federal adjustment. 59756

(2)(a) "Direct investor" means a partner or other investor 59757
that holds a direct interest in a pass-through entity. 59758

(b) "Indirect investor" means a partner or other investor 59759
that holds an interest in a pass-through entity that itself holds 59760
an interest, directly or through another indirect partner or other 59761
investor, in a pass-through entity. 59762

(3) "Exempt partner" means a partner that is neither a 59763
pass-through entity nor a person subject to the tax imposed by 59764
section 5747.02 of the Revised Code. 59765

(4) "Federal adjustment" means a change to an item or amount 59766
required to be determined under the Internal Revenue Code that 59767
directly or indirectly affects a taxpayer's aggregate tax 59768
liability under section 5747.02 or Chapter 5748. of the Revised 59769
Code and that results from an action or examination by the 59770
internal revenue service, or from the filing of an amended federal 59771
tax return, a claim for a federal tax refund, or an administrative 59772
adjustment request filed by a partnership under section 6227 of 59773
the Internal Revenue Code. 59774

(5) "Federal adjustments return" means the form or other 59775
document prescribed by the tax commissioner for use by a taxpayer 59776
in reporting final federal adjustments. 59777

(6) "State partnership representative" means either of the 59778
following: 59779

(a) The person who served as the partnership's representative 59780

for federal income tax purposes, pursuant to section 6223(a) of 59781
the Internal Revenue Code, during the corresponding federal 59782
partnership audit; 59783

(b) The person designated, on a form prescribed by the tax 59784
commissioner, to serve as the partnership's representative during 59785
the state partnership audit. The commissioner may establish 59786
reasonable qualifications and procedures for a person to be 59787
designated as a state partnership representative under this 59788
division. 59789

(7) A federal adjustment is "final" or "agreed to or finally 59790
determined for federal income tax purposes" on any of the 59791
following: 59792

(a) The day after which the period for appeal of a federal 59793
assessment has expired; 59794

(b) The date on a refund check issued by the internal revenue 59795
service; or 59796

(c) For agreements required to be signed by the internal 59797
revenue service and the taxpayer or audited partnership, the date 59798
on which the last party signed the agreement. 59799

(B)(1) If any of the facts, figures, computations, or 59800
attachments required in a taxpayer's annual return to determine 59801
the tax charged by this chapter or Chapter 5748. of the Revised 59802
Code must be altered as the result of a final federal adjustment, 59803
and the federal adjustment is not required to be reported under 59804
division (C) of this section, the taxpayer shall file an amended 59805
return with the tax commissioner in such form as the commissioner 59806
requires. The amended return shall be filed not later than ninety 59807
days after the federal adjustment has been agreed to or finally 59808
determined for federal income tax purposes. 59809

(2) "One hundred eighty" shall be substituted for "ninety" in 59810
divisions (B)(1) and (E)(1) of this section if, for any taxable 59811

year, the final federal adjustment results from taxes paid by the taxpayer on an amount described in division ~~(A)(34)~~(A)(32) of section 5747.01 of the Revised Code.

(C) Except for adjustments required to be reported for federal purposes pursuant to section 6225(a)(2) of the Internal Revenue Code and adjustments that are taken into account on a federal amended return or similar report filed pursuant to section 6225(c)(2) of the Internal Revenue Code, partnerships and partners shall report final federal adjustments and make payments as required under division (C) of this section.

(1) With respect to an action required or permitted to be taken by a partnership under this section, and any petition for reassessment or appeal to the board of tax appeals or any court with respect to such an action, the state partnership representative shall have the sole authority to act on behalf of the audited partnership, and the partnership's direct and indirect investors shall be bound by those actions.

(2) Unless an audited partnership makes the election under division (C)(3) of this section:

(a) The audited partnership, through its state partnership representative, shall do all of the following within ninety days after the federal adjustment is final:

(i) File a federal adjustments return with the tax commissioner, including a copy of the notifications provided under division (C)(2)(a)(ii) of this section;

(ii) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments;

(iii) File an amended tax return on behalf of its nonresident direct investors and pay any additional tax that would have been due under sections 5733.41 and 5747.41, or division (D) of section

5747.08, of the Revised Code with respect to those direct 59843
investors had the final federal adjustments been reported properly 59844
on the original filing. 59845

(b) Each direct investor that is subject to the tax imposed 59846
by section 5747.02 of the Revised Code shall file an original or 59847
amended tax return to include the investor's distributive share of 59848
the adjustments reported to the direct investor under division 59849
(C)(2)(a) of this section, and pay any additional tax due, within 59850
ninety days after the audited partnership files its federal 59851
adjustments return with the commissioner. 59852

(c)(i) Each direct and indirect investor of an audited 59853
partnership that is a pass-through entity and all investors in 59854
such a pass-through entity that are subject to the filing and 59855
payment requirements of Chapters 5733. and 5747. of the Revised 59856
Code are subject to the reporting and payment requirements of 59857
division (C)(2) or, upon a timely election, division (C)(3) of 59858
this section. 59859

(ii) Such direct and indirect investors shall make the 59860
required returns and payments within ninety days after the 59861
deadline for filing and furnishing statements under section 59862
6226(b)(4) of the Internal Revenue Code and applicable treasury 59863
regulations. 59864

(3) If an audited partnership makes the election under this 59865
division, the audited partnership, through its state partnership 59866
representative, shall do all of the following within ninety days 59867
after all federal adjustments are final: 59868

(a) File a federal adjustments return with the tax 59869
commissioner indicating the partnership has made the election 59870
under division (C)(3) of this section; 59871

(b) Pay the amount of combined additional tax due under 59872
division (D)(2) of this section, calculated by multiplying the 59873

highest rate of tax set forth in section 5747.02 of the Revised Code by the sum of the following:	59874 59875
(i) The distributive shares of the final federal adjustments that are allocable or apportionable to this state of each investor who is a nonresident taxpayer or pass-through entity;	59876 59877 59878
(ii) The distributive share of the final federal adjustments for each investor who is a resident taxpayer.	59879 59880
(c) Notify each of its direct investors, on a form prescribed by the commissioner, of the investor's distributive share of the final federal adjustments and the amount paid on their behalf pursuant to division (C)(3)(b) of this section.	59881 59882 59883 59884
(4)(a) A direct investor of an audited partnership is not required to file an amended return or pay tax otherwise due under section 5747.02 of the Revised Code if the audited partnership properly reports and pays the tax under division (C)(3) of this section.	59885 59886 59887 59888 59889
(b)(i) Nothing in division (C) of this section precludes a direct or indirect investor in the audited partnership from filing a return to report the investor's share of the final federal adjustments. Such an investor who files a return and reports the income related to the final federal adjustments is entitled to a refundable credit for taxes paid by the audited partnership under division (C)(3)(b) of this section. The credit shall be computed and claimed in the same manner as the credit allowed under division (I) of section 5747.08 of the Revised Code.	59890 59891 59892 59893 59894 59895 59896 59897 59898
(ii) Notwithstanding division (C)(4)(b)(i) of this section, an exempt partner, whether a direct or indirect investor, may file an application for refund of its proportionate share of the amounts erroneously paid by the audited partnership pursuant to division (C)(3)(b) of this section on the exempt partner's behalf.	59899 59900 59901 59902 59903
(5) Upon request by an audited partnership, the tax	59904

commissioner may agree, in writing, to allow an alternative method 59905
of reporting and payment than required by ~~divisions~~ division 59906
(C)(2) or (3) of this section. The request must be submitted to 59907
the commissioner in writing before the applicable deadline for 59908
filing a return under division (C)(2)(a) or (3) of this section. 59909
The commissioner's decision on whether to enter into an agreement 59910
under this division is not subject to further administrative 59911
review or appeal. 59912

(6) Nothing in division (C) of this section precludes either 59913
of the following: 59914

(a) A resident taxpayer from filing a return to claim the 59915
credit under division (B) of section 5747.05 or division (D)(2) of 59916
section 5747.02 of the Revised Code based upon any amounts paid by 59917
the audited partnership on such investor's behalf to another 59918
state. 59919

(b) The tax commissioner from issuing an assessment under 59920
this chapter against any direct or indirect investor for taxes due 59921
from the investor if an audited partnership, or direct and 59922
indirect investor of an audited partnership that is a pass-through 59923
entity, fails to timely file any return or remit any payment 59924
required by this section or underreports income or underpays tax 59925
on behalf of an indirect investor who is a resident taxpayer. 59926

(D) In the case of an underpayment, and unless otherwise 59927
agreed to in writing by the tax commissioner: 59928

(1) The taxpayer's amended return shall be accompanied by 59929
payment of any combined additional tax due together with interest 59930
thereon. An amended return required by this section is a return 59931
subject to assessment under section 5747.13 of the Revised Code 59932
for the purpose of assessing any additional tax due under this 59933
section, together with any applicable penalty and interest. It 59934
shall not reopen those facts, figures, computations, or 59935

attachments from a previously filed return no longer subject to 59936
assessment that are not affected, either directly or indirectly, 59937
by the final federal adjustment to the taxpayer's federal income 59938
tax return. 59939

(2) The audited partnership's federal adjustments return 59940
shall be accompanied by payment of any combined additional tax due 59941
together with interest thereon. The federal adjustments return 59942
required by this section is a return subject to assessment under 59943
section 5747.13 of the Revised Code for the purpose of assessing 59944
any additional tax due under this section, together with any 59945
applicable penalty and interest. It shall not reopen those facts, 59946
figures, computations, or attachments from a previously filed 59947
return no longer subject to assessment that are not affected, 59948
either directly or indirectly, by the final federal adjustment. 59949

(3) The tax commissioner may accept estimated payments of the 59950
tax arising from pending federal adjustments before the date for 59951
filing a federal adjustments return. The commissioner may adopt 59952
rules for the payment of such estimated taxes. 59953

(E) In the case of an overpayment, and unless otherwise 59954
agreed to in writing by the tax commissioner: 59955

(1) A taxpayer may file an application for refund under this 59956
division within the ninety-day period prescribed for filing the 59957
amended return even if it is filed beyond the period prescribed in 59958
section 5747.11 of the Revised Code if it otherwise conforms to 59959
the requirements of such section. An application filed under this 59960
division shall claim refund of overpayments resulting from 59961
alterations to only those facts, figures, computations, or 59962
attachments required in the taxpayer's annual return that are 59963
affected, either directly or indirectly, by the final federal 59964
adjustment to the taxpayer's federal income tax return unless it 59965
is also filed within the time prescribed in section 5747.11 of the 59966
Revised Code. It shall not reopen those facts, figures, 59967

computations, or attachments that are not affected, either 59968
directly or indirectly, by the adjustment to the taxpayer's 59969
federal income tax return. 59970

(2)(a) Except as otherwise provided in division (E)(2)(b) of 59971
this section, an audited partnership may file an application for a 59972
refund under this division within the ninety-day period prescribed 59973
for filing the federal adjustments return, even if it is filed 59974
beyond the period prescribed by section 5747.11 of the Revised 59975
Code, if it otherwise conforms to the requirements of that 59976
section. An application filed under this division may claim a 59977
refund of overpayments resulting only from final federal 59978
adjustments unless it is also filed within the time prescribed by 59979
section 5747.11 of the Revised Code. It shall not reopen those 59980
facts, figures, computations, or attachments that are not 59981
affected, either directly or indirectly, by the federal 59982
adjustment. 59983

(b) An audited partnership may not file an application for 59984
refund under division (E) of this section based on final federal 59985
adjustments described in section 6225(a)(2) of the Internal 59986
Revenue Code. 59987

(3) Any refund granted to a pass-through entity filing an 59988
application for refund under division (E) of this section shall be 59989
reduced by amounts previously claimed as a credit under section 59990
5747.059 or division (I) of section 5747.08 of the Revised Code by 59991
the pass-through entity's direct or indirect investors. 59992

(F) Excluding the deadline in division (C)(2)(c)(ii) of this 59993
section, an audited partnership, or a direct or indirect investor 59994
of an audited partnership that is a pass-through entity, may 59995
automatically extend the deadline for reporting, payments, and 59996
refunds under this section by sixty days if the entity has ten 59997
thousand or more direct investors and notifies the commissioner of 59998
such extension, in writing, before the unextended deadline. 59999

Sec. 5751.015. For the purposes of determining the persons included in consolidated elected taxpayer and combined taxpayer groups under sections 5751.011 and 5751.012 of the Revised Code, and the person that is the common owner that owns or controls, directly or constructively through related interests, the percentage of the value of the ownership interest of one or more other persons required by those sections, the following apply:

(A) Except as provided in division (B) of this section, the value of the ownership interest of a person shall be determined as follows:

(1) In the case of a corporation, the value is calculated with respect to only those classes of stock having voting rights. Interests held in a corporation are attributable to a shareholder in the corporation based on the percentage of total value of the voting equity interests in the corporation owned and controlled by that shareholder.

(2) In the case of a partnership, limited liability company, business trust, unincorporated business interest, or other entity with membership interests or beneficial interests, the value is calculated with respect to the fair market value of the voting interest in the entity.

(3) In the case of a limited partnership, the value is calculated with respect to only the general partnership interests in the entity.

(4) In the case of two or more persons having an interest in an unincorporated business, including but not limited to rental property, where there is no formal partnership agreement between the persons, an implied partnership is deemed to exist. One implied partnership exists for all such commonly owned and controlled interests of the unincorporated business. The implied partnership is a separate entity for purposes of the tax imposed

by this chapter and the ownership interests are determined as follows: 60031
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(a) If the owners file an internal revenue service form 1065, the ownership interests are based on the capital account contributions reported in tax filings as of the end of the previous calendar year. 60033
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(b) If the owners are not required to file an internal revenue service form 1065, and the business has an interest in rental property, the common ownership is based on the deed to the rental property. If two persons are listed on the deed, each of those persons are considered to own and control fifty per cent of the property. The burden is on those persons to prove an alternate ownership structure. 60037
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(c) If divisions (A)(4)(a) and (b) of this section do not apply, the common ownership of the implied partnership is based on the number of persons in the group. The burden is on those persons to prove an alternate ownership structure. 60044
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(B) With respect to trusts, a common owner shall be determined as follows: 60048
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(1) In the case of a trust to which section 677 of the Internal Revenue Code applies, the grantor is the common owner of the trust. 60050
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(2) In the case of a trust to which section 678 of the Internal Revenue Code applies, the person, other than the trust, described in section 678 of the Internal Revenue Code is the common owner of the trust. 60053
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(3) In the case of a trust treated as a corporation for federal income tax purposes, including but not limited to real estate investment trusts and business trusts, the beneficiaries of the trust shall be treated as shareholders of a corporation and division (A)(1) of this section applies. 60057
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(4) In the case of any other trust, there is no common owner. 60062

Sec. 5751.02. (A) For the purpose of funding the needs of 60063
this state and its local governments, there is hereby levied a 60064
commercial activity tax on each person with taxable gross receipts 60065
for the privilege of doing business in this state. For the 60066
purposes of this chapter, "doing business" means engaging in any 60067
activity, whether legal or illegal, that is conducted for, or 60068
results in, gain, profit, or income, at any time during a calendar 60069
year. Persons on which the commercial activity tax is levied 60070
include, but are not limited to, persons with substantial nexus 60071
with this state. The tax imposed under this section is not a 60072
transactional tax and is not subject to Public Law No. 86-272, 73 60073
Stat. 555. The tax imposed under this section is in addition to 60074
any other taxes or fees imposed under the Revised Code. The tax 60075
levied under this section is imposed on the person receiving the 60076
gross receipts and is not a tax imposed directly on a purchaser. 60077
The tax imposed by this section is an annual privilege tax for the 60078
calendar year that, in the case of calendar year taxpayers, is the 60079
annual tax period and, in the case of calendar quarter taxpayers, 60080
contains all quarterly tax periods in the calendar year. A 60081
taxpayer is subject to the annual privilege tax for doing business 60082
during any portion of such calendar year. 60083

(B) The tax imposed by this section is a tax on the taxpayer 60084
and shall not be billed or invoiced to another person. Even if the 60085
tax or any portion thereof is billed or invoiced and separately 60086
stated, such amounts remain part of the price for purposes of the 60087
sales and use taxes levied under Chapters 5739. and 5741. of the 60088
Revised Code. Nothing in division (B) of this section prohibits: 60089

(1) A person from including in the price charged for a good 60090
or service an amount sufficient to recover the tax imposed by this 60091
section; or 60092

(2) A lessor from including an amount sufficient to recover 60093
the tax imposed by this section in a lease payment charged, or 60094
from including such an amount on a billing or invoice pursuant to 60095
the terms of a written lease agreement providing for the recovery 60096
of the lessor's tax costs. The recovery of such costs shall be 60097
based on an estimate of the total tax cost of the lessor during 60098
the tax period, as the tax liability of the lessor cannot be 60099
calculated until the end of that period. 60100

(C)(1) The commercial activities tax receipts fund is hereby 60101
created in the state treasury and shall consist of money arising 60102
from the tax imposed under this chapter. ~~Sixty-five one hundredths~~ 60103
One-half of one per cent of the money credited to that fund shall 60104
be credited to the revenue enhancement fund and shall be used to 60105
defray the costs incurred by the department of taxation in 60106
administering the tax imposed by this chapter and in implementing 60107
tax reform measures. The remainder of the money in the commercial 60108
activities tax receipts fund shall first be credited to the 60109
commercial activity tax motor fuel receipts fund, pursuant to 60110
division (C)(2) of this section, and the remainder shall be 60111
credited in the following percentages each fiscal year to the 60112
general revenue fund, to the school district tangible property tax 60113
replacement fund, which is hereby created in the state treasury 60114
for the purpose of making the payments described in section 60115
5709.92 of the Revised Code, and to the local government tangible 60116
property tax replacement fund, which is hereby created in the 60117
state treasury for the purpose of making the payments described in 60118
section 5709.93 of the Revised Code, in the following percentages: 60119

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2014 and 2015	50.0%	35.0%	15.0%	60120 60121

2016 and 2017	75.0%	20.0%	5.0%	60122
2018 and thereafter	85.0%	13.0%	2.0%	60123

(2) Not later than the twentieth day of February, May, August, and November of each year, the commissioner shall provide for payment from the commercial activities tax receipts fund to the commercial activity tax motor fuel receipts fund an amount that bears the same ratio to the balance in the commercial activities tax receipts fund that (a) the taxable gross receipts attributed to motor fuel used for propelling vehicles on public highways as indicated by returns filed by the tenth day of that month for a liability that is due and payable on or after July 1, 2013, for a tax period ending before July 1, 2014, bears to (b) all taxable gross receipts as indicated by those returns for such liabilities.

(D)(1) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under section 5709.92 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school district tangible property tax replacement fund.

(2) If the total amount in the local government tangible property tax replacement fund is insufficient to make all payments under section 5709.93 of the Revised Code at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the local government tangible property tax replacement fund the difference between the total amount to be paid and the amount in the local government tangible property tax replacement fund.

(E)(1) On or after the first day of June of each year, the

director of budget and management may transfer any balance in the 60153
school district tangible property tax replacement fund to the 60154
general revenue fund. 60155

(2) On or after the first day of June of each year, the 60156
director of budget and management may transfer any balance in the 60157
local government tangible property tax replacement fund to the 60158
general revenue fund. 60159

(F)(1) There is hereby created in the state treasury the 60160
commercial activity tax motor fuel receipts fund. 60161

(2) On or before the fifteenth day of June of each fiscal 60162
year beginning with fiscal year 2015, the director of the Ohio 60163
public works commission shall certify to the director of budget 60164
and management the amount of debt service paid from the general 60165
revenue fund in the current fiscal year on bonds issued to finance 60166
or assist in the financing of the cost of local subdivision public 60167
infrastructure capital improvement projects, as provided for in 60168
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 60169
that are attributable to costs for construction, reconstruction, 60170
maintenance, or repair of public highways and bridges and other 60171
statutory highway purposes. That certification shall allocate the 60172
total amount of debt service paid from the general revenue fund 60173
and attributable to those costs in the current fiscal year 60174
according to the applicable section of the Ohio Constitution under 60175
which the bonds were originally issued. 60176

(3) On or before the thirtieth day of June of each fiscal 60177
year beginning with fiscal year 2015, the director of budget and 60178
management shall determine an amount up to but not exceeding the 60179
amount certified under division (F)(2) of this section and shall 60180
reserve that amount from the cash balance in the petroleum 60181
activity tax public highways fund or the commercial activity tax 60182
motor fuel receipts fund for transfer to the general revenue fund 60183
at times and in amounts to be determined by the director. The 60184

director shall transfer the cash balance in the petroleum activity 60185
tax public highways fund or the commercial activity tax motor fuel 60186
receipts fund in excess of the amount so reserved to the highway 60187
operating fund on or before the thirtieth day of June of the 60188
current fiscal year. 60189

Sec. 5751.03. (A) Except as provided in division (B) of this 60190
section, the tax levied under this section for each tax period 60191
shall be the product of two and six-tenths mills per dollar times 60192
the remainder of the taxpayer's taxable gross receipts for the tax 60193
period after subtracting the exclusion amount provided for in 60194
division (C) of this section. 60195

(B) Notwithstanding division (C) of this section, the tax on 60196
the first one million dollars in taxable gross receipts each 60197
calendar year shall be calculated as follows: 60198

(1) For taxpayers with annual taxable gross receipts of one 60199
million dollars or less for the immediately preceding calendar 60200
year, one hundred fifty dollars; 60201

(2) For taxpayers with annual taxable gross receipts greater 60202
than one million dollars, but less than or equal to two million 60203
dollars for the immediately preceding calendar year, eight hundred 60204
dollars; 60205

(3) For taxpayers with annual taxable gross receipts greater 60206
than two million dollars, but less than or equal to four million 60207
dollars for the immediately preceding calendar year, two thousand 60208
one hundred dollars; 60209

(4) For taxpayers with annual taxable gross receipts greater 60210
than four million dollars for the immediately preceding calendar 60211
year, two thousand six hundred dollars. 60212

The tax imposed under division (B)(1) of this section shall 60213
be paid not later than the tenth day of May of each year along 60214

with the annual tax return. The tax imposed under divisions 60215
(B)(2), (3), and (4) of this section shall be paid not later than 60216
the tenth day of May of each year along with the first quarter tax 60217
return. 60218

(C)(1) Each taxpayer may exclude the first one million 60219
dollars of taxable gross receipts for a calendar year. Calendar 60220
quarter taxpayers shall apply the full exclusion amount to the 60221
first calendar quarter return the taxpayer files that calendar 60222
year and may carry forward and apply any unused exclusion amount 60223
to subsequent calendar quarters within that same calendar year. 60224

(2) A taxpayer switching from a calendar year tax period to a 60225
calendar quarter tax period may, for the first quarter of the 60226
change, apply the full one-million-dollar exclusion amount to the 60227
first calendar quarter return the taxpayer files that calendar 60228
year. Such taxpayers may carry forward and apply any unused 60229
exclusion amount to subsequent calendar quarters within that same 60230
calendar year. The tax rate shall be based on the rate imposed 60231
that calendar quarter when the taxpayer switches from a calendar 60232
year to a calendar quarter tax period. 60233

(3) A taxpayer shall not exclude more than one million 60234
dollars pursuant to division (C) of this section in a calendar 60235
year. 60236

Sec. 5751.40. (A) As used in this section and division 60237
(F)(2)(z) of section 5751.01 of the Revised Code: 60238

(1) "Qualifying distribution center receipts" means receipts 60239
of a supplier from qualified property that is delivered to a 60240
qualified distribution center, multiplied by a quantity that 60241
equals one minus the Ohio delivery percentage. If the qualified 60242
distribution center is a refining facility, "supplier" includes 60243
all dealers, brokers, processors, sellers, vendors, cosigners, and 60244
distributors of qualified property. 60245

(2) "Qualified property" means tangible personal property 60246
delivered to a qualified distribution center that is shipped to 60247
that qualified distribution center solely for further shipping by 60248
the qualified distribution center to another location in this 60249
state or elsewhere or, in the case of gold, silver, platinum, or 60250
palladium delivered to a refining facility solely for refining to 60251
a grade and fineness acceptable for delivery to a registered 60252
commodities exchange. "Further shipping" includes storing and 60253
repackaging property into smaller or larger bundles, so long as 60254
the property is not subject to further manufacturing or 60255
processing. "Refining" is limited to extracting impurities from 60256
gold, silver, platinum, or palladium through smelting or some 60257
other process at a refining facility. 60258

(3) "Qualified distribution center" means a warehouse, a 60259
facility similar to a warehouse, or a refining facility in this 60260
state that, for the qualifying year, is operated by a person that 60261
is not part of a combined taxpayer group and that has a qualifying 60262
certificate. All warehouses or facilities similar to warehouses 60263
that are operated by persons in the same taxpayer group and that 60264
are located within one mile of each other shall be treated as one 60265
qualified distribution center. All refining facilities that are 60266
operated by persons in the same taxpayer group and that are 60267
located in the same or adjacent counties may be treated as one 60268
qualified distribution center. 60269

(4) "Qualifying year" means the calendar year to which the 60270
qualifying certificate applies. 60271

(5) "Qualifying period" means the period of the first day of 60272
July of the second year preceding the qualifying year through the 60273
thirtieth day of June of the year preceding the qualifying year. 60274

(6) "Qualifying certificate" means the certificate issued by 60275
the tax commissioner after the operator of a distribution center 60276
files an annual application with the commissioner under division 60277

(B) of this section. 60278

(7) "Ohio delivery percentage" means the proportion of the 60279
total property delivered to a destination inside Ohio from the 60280
qualified distribution center during the qualifying period 60281
compared with total deliveries from such distribution center 60282
everywhere during the qualifying period. 60283

(8) "Refining facility" means one or more buildings located 60284
in a county in the Appalachian region of this state as defined by 60285
section 107.21 of the Revised Code and utilized for refining or 60286
smelting gold, silver, platinum, or palladium to a grade and 60287
fineness acceptable for delivery to a registered commodities 60288
exchange. 60289

(9) "Registered commodities exchange" means a board of trade, 60290
such as New York mercantile exchange, inc. or commodity exchange, 60291
inc., designated as a contract market by the commodity futures 60292
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 60293
et seq., as amended. 60294

(10) "Ineligible operator's supplier tax liability" means an 60295
amount equal to the tax liability of all suppliers of a 60296
distribution center had the distribution center not been issued a 60297
qualifying certificate for the qualifying year. Ineligible 60298
operator's supplier tax liability shall not include interest or 60299
penalties. 60300

(B) For purposes of division (B) of this section, "supplier" 60301
excludes any person that is part of the consolidated elected 60302
taxpayer group, if applicable, of the operator of the qualified 60303
distribution center. 60304

(1) An application for a qualifying certificate to be a 60305
qualified distribution center shall be filed, and an annual fee 60306
paid, for each qualified distribution center on or before the 60307
first day of September before the qualifying year or within 60308

forty-five days after the distribution center opens, whichever is 60309
later. The applicant must substantiate to the commissioner's 60310
satisfaction that, for the qualifying period, all persons 60311
operating the distribution center have more than fifty per cent of 60312
the cost of the qualified property shipped to a location such that 60313
it would be sitused outside this state under the provisions of 60314
division (E) of section 5751.033 of the Revised Code. The 60315
applicant must also substantiate that the distribution center 60316
cumulatively had costs from its suppliers equal to or exceeding 60317
five hundred million dollars during the qualifying period. 60318

The commissioner may require an applicant to have an 60319
independent certified public accountant certify that the 60320
calculation of the minimum thresholds required for a qualified 60321
distribution center by the operator of a distribution center has 60322
been made in accordance with generally accepted accounting 60323
principles. The commissioner shall issue or deny the issuance of a 60324
certificate within sixty days after the receipt of the 60325
application. A denial is subject to appeal under section 5717.02 60326
of the Revised Code. If the operator files a timely appeal under 60327
section 5717.02 of the Revised Code, the operator shall be granted 60328
a qualifying certificate effective for the remainder of the 60329
qualifying year or until the appeal is finalized, whichever is 60330
earlier. If the operator does not prevail in the appeal, the 60331
operator shall pay the ineligible operator's supplier tax 60332
liability. 60333

(2) If the distribution center is new and was not open for 60334
the entire qualifying period, the operator of the distribution 60335
center may request that the commissioner grant a qualifying 60336
certificate. If the certificate is granted and it is later 60337
determined that more than fifty per cent of the qualified property 60338
during that year was not shipped to a location such that it would 60339
be sitused outside of this state under the provisions of division 60340

(E) of section 5751.033 of the Revised Code or if it is later
determined that the person that operates the distribution center
had average monthly costs from its suppliers of less than forty
million dollars during that year, then the operator of the
distribution center shall pay the ineligible operator's supplier
tax liability.

(3) The commissioner may grant a qualifying certificate to a
distribution center that does not qualify as a qualified
distribution center for an entire qualifying period if the
operator of the distribution center demonstrates that the business
operations of the distribution center have changed or will change
such that the distribution center will qualify as a qualified
distribution center within thirty-six months after the date the
operator first applies for a certificate. If, at the end of that
thirty-six-month period, the business operations of the
distribution center have not changed such that the distribution
center qualifies as a qualified distribution center, the operator
of the distribution center shall pay the ineligible operator's
supplier tax liability for each year that the distribution center
received a certificate but did not qualify as a qualified
distribution center. For each year the distribution center
receives a certificate under division (B)(3) of this section, the
distribution center shall pay all applicable fees required under
this section and shall submit an updated business plan showing the
progress the distribution center made toward qualifying as a
qualified distribution center during the preceding year.

(4) An operator may appeal a determination under division
~~(B)(1)~~(B)(2) or ~~(2)(3)~~ of this section that the ineligible
operator is liable for the operator's supplier tax liability as a
result of not qualifying as a qualified distribution center, as
provided in section 5717.02 of the Revised Code.

(C)(1) When filing an application for a qualifying

certificate under division (B)(1) of this section, the operator of 60373
a qualified distribution center also shall provide documentation, 60374
as the commissioner requires, for the commissioner to ascertain 60375
the Ohio delivery percentage. The commissioner, upon issuing the 60376
qualifying certificate, also shall certify the Ohio delivery 60377
percentage. The operator of the qualified distribution center may 60378
appeal the commissioner's certification of the Ohio delivery 60379
percentage in the same manner as an appeal is taken from the 60380
denial of a qualifying certificate under division (B)(1) of this 60381
section. 60382

(2) In the case where the distribution center is new and not 60383
open for the entire qualifying period, the operator shall make a 60384
good faith estimate of an Ohio delivery percentage for use by 60385
suppliers in their reports of taxable gross receipts for the 60386
remainder of the qualifying period. The operator of the facility 60387
shall disclose to the suppliers that such Ohio delivery percentage 60388
is an estimate and is subject to recalculation. By the due date of 60389
the next application for a qualifying certificate, the operator 60390
shall determine the actual Ohio delivery percentage for the 60391
estimated qualifying period and proceed as provided in division 60392
(C)(1) of this section with respect to the calculation and 60393
recalculation of the Ohio delivery percentage. The supplier is 60394
required to file, within sixty days after receiving notice from 60395
the operator of the qualified distribution center, amended reports 60396
for the impacted calendar quarter or quarters or calendar year, 60397
whichever the case may be. Any additional tax liability or tax 60398
overpayment shall be subject to interest but shall not be subject 60399
to the imposition of any penalty so long as the amended returns 60400
are timely filed. 60401

(3) The operator of a distribution center that receives a 60402
qualifying certificate under division (B)(3) of this section shall 60403
make a good faith estimate of the Ohio delivery percentage that 60404

the operator estimates will apply to the distribution center at 60405
the end of the thirty-six-month period after the operator first 60406
applied for a qualifying certificate under that division. The 60407
result of the estimate shall be multiplied by a factor of one and 60408
seventy-five one-hundredths. The product of that calculation shall 60409
be the Ohio delivery percentage used by suppliers in their reports 60410
of taxable gross receipts for each qualifying year that the 60411
distribution center receives a qualifying certificate under 60412
division (B)(3) of this section, except that, if the product is 60413
less than five per cent, the Ohio delivery percentage used shall 60414
be five per cent and that, if the product exceeds forty-nine per 60415
cent, the Ohio delivery percentage used shall be forty-nine per 60416
cent. 60417

(D) Qualifying certificates and Ohio delivery percentages 60418
issued by the commissioner shall be open to public inspection and 60419
shall be timely published by the commissioner. A supplier relying 60420
in good faith on a certificate issued under this section shall not 60421
be subject to tax on the qualifying distribution center receipts 60422
under this section and division (F)(2)(z) of section 5751.01 of 60423
the Revised Code. An operator receiving a qualifying certificate 60424
is liable for the ineligible operator's supplier tax liability for 60425
each year the operator received a certificate but did not qualify 60426
as a qualified distribution center. 60427

(E) The tax commissioner shall determine an ineligible 60428
operator's supplier tax liability based on information that the 60429
commissioner may request from the operator of the distribution 60430
center. An operator shall provide a list of all suppliers of the 60431
distribution center and the corresponding costs of qualified 60432
property for the qualifying year at issue within sixty days of a 60433
request by the commissioner under this division. 60434

(F) The annual fee for a qualifying certificate shall be one 60435
hundred thousand dollars for each qualified distribution center. 60436

If a qualifying certificate is not issued, the annual fee is 60437
subject to refund after the exhaustion of all appeals provided for 60438
in division (B)(1) of this section. The first one hundred thousand 60439
dollars of the annual application fees collected each calendar 60440
year shall be credited to the revenue enhancement fund. The 60441
remainder of the annual application fees collected shall be 60442
distributed in the same manner required under section 5751.20 of 60443
the Revised Code. 60444

(G) The tax commissioner may require that adequate security 60445
be posted by the operator of the distribution center on appeal 60446
when the commissioner disagrees that the applicant has met the 60447
minimum thresholds for a qualified distribution center as set 60448
forth in this section. 60449

Sec. 6109.121. (A) ~~Not later than one hundred twenty days~~ 60450
~~after the effective date of this section, the~~ The director of 60451
environmental protection shall adopt rules in accordance with 60452
Chapter 119. of the Revised Code that do all of the following: 60453

(1) Require the owner or operator of a community or 60454
nontransient noncommunity water system to conduct sampling of the 60455
system for lead and copper; 60456

(2) Establish a schedule for lead and copper sampling 60457
applicable to the owner or operator of a community or nontransient 60458
noncommunity water system that, at a minimum, does both of the 60459
following: 60460

(a) Allows the director, in establishing the schedule, to 60461
consider the following factors when determining if a community or 60462
nontransient noncommunity water system must conduct sampling at 60463
least once annually: 60464

(i) The age of the water system; 60465

(ii) Whether corrosion control requirements are met; 60466

(iii) Any other relevant risk factors, as determined by the director, including aging infrastructure likely to contain lead service lines.	60467 60468 60469
(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.	60470 60471 60472 60473
(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;	60474 60475 60476
(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;	60477 60478 60479
(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;	60480 60481 60482
(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:	60483 60484 60485 60486 60487
(a) The system changes or adds a source from which water is obtained.	60488 60489
(b) The system makes a substantial change in water treatment.	60490
(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.	60491 60492 60493
(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.	60494 60495 60496

(7) Authorize the director to waive the requirement to 60497
conduct a new or updated corrosion control study established in 60498
rules adopted under division (A)(6) of this section in appropriate 60499
circumstances; 60500

(8) When the owner or operator of a community or nontransient 60501
noncommunity water system is required to complete a corrosion 60502
control treatment study and submit a plan in accordance with rules 60503
adopted under division (A)(6) of this section, require the owner 60504
or operator to complete the study and submit the plan to the 60505
director for approval even if sampling results conducted 60506
subsequent to the initiation of the study and plan do not exceed 60507
the lead action level established in rules adopted under this 60508
chapter; 60509

(9) When the owner or operator of a community or nontransient 60510
noncommunity water system is required to complete a corrosion 60511
control treatment study and submit a plan in accordance with rules 60512
adopted under division (A)(6) of this section, require the owner 60513
or operator to submit to the director an interim status report of 60514
actions taken to implement the corrosion control study six months 60515
and twelve months from the date of initiation of the corrosion 60516
control study requirement; 60517

(10) Establish a lead threshold for individual taps; 60518

(11) Establish and revise content for public education 60519
materials; 60520

(12) Authorize the director to develop procedures and 60521
requirements to document that notices were provided by the owner 60522
or operator of a community or nontransient noncommunity water 60523
system as required under the rules adopted under division 60524
~~(C)(A)(15)~~ of this section; 60525

(13) ~~Notwithstanding section 6109.23 of the Revised Code,~~ 60526
~~establish the following~~ Authorize the director to assess 60527

administrative penalties in accordance with section 6109.23 of the 60528
Revised Code for violations of the notice requirements established 60529
in rules adopted under divisions ~~(C)(1)(A)(15)(b)~~ and 60530
~~(C)(3)(a)(c)(i)~~ of this section ~~that are applicable to a community~~ 60531
~~or nontransient noncommunity water system;~~ 60532

~~(a) For a violation of division (C)(1) of this section by a~~ 60533
~~system that serves not less than twenty five people, but not more~~ 60534
~~than three thousand three hundred people, an administrative~~ 60535
~~penalty of twenty five dollars per day for each day that the~~ 60536
~~system failed to provide each notice;~~ 60537

~~(b) For a violation of division (C)(1) of this section by a~~ 60538
~~system that serves more than three thousand three hundred people,~~ 60539
~~but not more than ten thousand people, an administrative penalty~~ 60540
~~of fifty dollars per day for each day that the system failed to~~ 60541
~~provide each notice;~~ 60542

~~(c) For a violation of division (C)(1) of this section by a~~ 60543
~~system that serves more than ten thousand people, but not more~~ 60544
~~than twenty five thousand people, an administrative penalty of~~ 60545
~~seventy five dollars per day for each day that the system failed~~ 60546
~~to provide each notice;~~ 60547

~~(d) For a violation of division (C)(1) of this section by a~~ 60548
~~system that serves more than twenty five thousand people, an~~ 60549
~~administrative penalty of one hundred dollars per day for each day~~ 60550
~~that the system failed to provide each notice;~~ 60551

~~(e) For a violation of division (C)(3)(a) of this section by~~ 60552
~~a system that serves not less than twenty five people, but not~~ 60553
~~more than three thousand three hundred people, an administrative~~ 60554
~~penalty of two hundred fifty dollars per day for each day the~~ 60555
~~system failed to provide the notice;~~ 60556

~~(f) For a violation of division (C)(3)(a) of this section by~~ 60557
~~a system that serves more than three thousand three hundred~~ 60558

~~people, but not more than ten thousand people, an administrative
penalty of five hundred dollars per day for each day the system
failed to provide the notice;~~

~~(g) For a violation of division (C)(3)(a) of this section by
a system that serves more than ten thousand people, but not more
than twenty five thousand people, an administrative penalty of
seven hundred fifty dollars per day for each day the system failed
to provide the notice;~~

~~(h) For a violation of division (C)(3)(a) of this section by
a system that serves more than twenty five thousand people, an
administrative penalty of one thousand dollars per day for each
day the system failed to provide the notice.~~

~~(B) A (14) Require a laboratory that receives a lead or
copper tap water sample from a community or nontransient
noncommunity water system shall to do both of the following:~~

~~(1)(a) Complete a lead or copper analysis of the sample, as
applicable, not later than thirty business days after the receipt
of the sample;~~

~~(2)(b) Not later than the end of the next business day
following the day the analysis of the sample is completed, report
the results of the analysis and all identifying information about
where the sample was collected to the community or nontransient
noncommunity water system and the director.~~

~~(C) The (15) Require the owner or operator of a community or
nontransient noncommunity water system shall to do all of the
following, as applicable, with regard to laboratory results
received under rules adopted under division (B)(2)(A)(14) of this
section:~~

~~(1) Not later than two business days after the receipt of the
laboratory results (a) If the laboratory results show that a
sample from an individual tap is below the applicable lead~~

threshold as established in rules adopted under this chapter, 60590
provide notice of the results of each individual tap sample to the 60591
owner and persons served at the residence or other structure where 60592
the tap was sampled within a time period specified in rules that 60593
is not more than thirty business days after the receipt of the 60594
laboratory results; 60595

~~(2)~~(b) If the results show that a sample from an individual 60596
tap is above the applicable lead threshold as established under 60597
rules adopted under this chapter, provide notice of the results of 60598
each individual tap sample to the owner and persons served at the 60599
residence or other structure where the tap was sampled within a 60600
time period specified in rules that is not more than two business 60601
days after the receipt of the laboratory results, and do all of 60602
the following, as applicable: 60603

~~(a)~~(i) For the owner or operator of a nontransient 60604
noncommunity water system, immediately remove from service all 60605
fixtures identified as contributing to elevated lead levels; 60606

~~(b)~~(ii) For the owner or operator of a community water 60607
system, include in the system's annual consumer confidence report 60608
the lead or copper laboratory results, an explanation of the 60609
associated health risks, what actions consumers of the system can 60610
take to reduce health risks, and the actions the system is taking 60611
to reduce public exposure; 60612

~~(e)~~(iii) Not later than two business days after the receipt 60613
of the laboratory results, provide information on the availability 60614
of health screening and blood lead level testing to the owner and 60615
persons served at the residence or other structure where the 60616
sample was collected and provide notice of the laboratory results 60617
to the applicable local board of health. 60618

~~(3)~~(c) If the laboratory results show that the community or 60619
nontransient noncommunity water system exceeds the lead action 60620

level established in rules adopted under this chapter, do all of 60621
the following, as applicable: 60622

~~(a)~~(i) Not later than two business days after the receipt of 60623
the laboratory results, provide notice to all of the system's 60624
water consumers that the system exceeds the lead action level. The 60625
owner or operator shall provide the notice in a form specified by 60626
the director. 60627

~~(b)~~(ii) Not later than five business days after the receipt 60628
of the laboratory results by the owner or operator of a community 60629
water system, provide information on the availability of tap water 60630
testing for lead to all consumers served by the system who are 60631
known or likely to have lead service lines, lead pipes, or lead 60632
solder as identified in the map required to be completed by rules 60633
adopted under division ~~(F)~~(A)(18) of this section; 60634

~~(c)~~(iii) Not later than thirty business days after the 60635
receipt of the laboratory results, make an analysis of laboratory 60636
results available to all consumers served by the system, comply 60637
with public education requirements established in rules adopted 60638
under this chapter that apply when a public water system exceeds 60639
the lead action level, and provide information to consumers served 60640
by the system about the availability of health screenings and 60641
blood lead level testing in the area served by the water system; 60642

~~(d)~~(iv) Subject to rules adopted under division (A)(7) of 60643
this section, perform a corrosion control treatment study and 60644
submit a corrosion control treatment plan to the director not 60645
later than eighteen months after the date on which laboratory 60646
results were received by the owner or operator indicating that the 60647
system exceeded the lead action level. 60648

~~(D) Not (16) Require that not~~ later than five business days 60649
after the receipt of the laboratory results, the owner or operator 60650
shall certify to the director that the owner or operator has 60651

complied with the requirements of rules adopted under divisions 60652
~~(C)(1)(A)(15)(b), (C)(2)(e)(A)(15)(c)(i), (C)(3)(a), and (C)~~ 60653
~~(3)(b)(A)(15)(c)(ii)~~ of this section, as applicable. 60654

~~(E) If (17) Require that if~~ the owner or operator of a 60655
community or nontransient noncommunity water system fails to 60656
provide the notices required under rules adopted under division 60657
~~(C)(1)(A)(15)(b) or (C)(3)(a)(c)(i)~~ of this section, the director 60658
shall provide those notices beginning ten business days from the 60659
date that the director receives laboratory results under the rules 60660
adopted under division ~~(B)(A)(14)~~ of this section. 60661

~~(F) Not later than six months after the effective date of~~ 60662
~~this section, the owner or operator of a community or nontransient~~ 60663
~~noncommunity water system shall do all of the following, as~~ 60664
~~applicable:~~ 60665

~~(1) For the owner or operator of a community water system,~~ 60666
~~identify and map areas of the system that are known or are likely~~ 60667
~~to contain lead service lines and identify characteristics of~~ 60668
~~buildings served by the system that may contain lead piping,~~ 60669
~~solder, or fixtures;~~ 60670

~~(2) For the owner or operator of a nontransient noncommunity~~ 60671
~~water system, identify and map areas of the system with lead~~ 60672
~~piping, solder, or fixtures in buildings served by the system;~~ 60673

~~(3) Submit a copy of the applicable map to the department of~~ 60674
~~health and the department of job and family services;~~ 60675

~~(4) Submit a report to the director containing at least both~~ 60676
~~of the following:~~ 60677

~~(a) The applicable map;~~ 60678

~~(b) A list of sampling locations that are tier I sites used~~ 60679
~~to collect samples as required by rules adopted under this~~ 60680
~~chapter, including contact information for the owner and occupant~~ 60681

~~of each sampling site.~~ 60682

~~(G) The owner or operator of a community or nontransient
noncommunity water system shall update and resubmit the
information required under division (F) of this section once every
five years beginning five years after the date of the initial
submission.~~ 60683
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~~(H) The director shall provide financial assistance from the
drinking water assistance fund established under section 6109.22
of the Revised Code to community water systems and nontransient
noncommunity water systems for the purpose of fulfilling the
mapping requirements under division (F) of this section and
complying with corrosion control requirements established in rules
adopted under division (A) of this section. In addition, the (18)
Require the owner or operator of a community or nontransient
noncommunity water system to submit a map to the director showing
areas of the system that are known or are likely to contain lead
service lines and identifying characteristics of buildings served
by the system that may contain lead piping, solder, or fixtures.
The rules shall, at a minimum, require the owner or operator to do
all of the following:~~ 60688
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~~(a) Submit a copy of the applicable map to the department of
health and the department of job and family services;~~ 60702
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~~(b) Submit a report to the director containing at least the
applicable map and a list of sampling locations that are tier I
sites used to collect samples as required by rules adopted under
this chapter, including contact information for the owner and
occupant of each sampling site;~~ 60704
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~~(c) Update and resubmit the information required by divisions
(A)(18)(a) and (b) of this section according to a schedule
determined by the director, but not less frequently than required
under the Safe Drinking Water Act.~~ 60709
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(B) The director shall post information on the environmental protection agency's web site about ~~other~~ sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement.

~~(I)~~(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child day-care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division ~~(F)~~(A)(18) of this section.

~~(J)~~(D) As used in this section:

(1) "Child day-care center" has the same meaning as in section 5104.01 of the Revised Code.

(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code, or the governing authority of a chartered or nonchartered nonpublic school.

(3) "Local board of health" means the applicable board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

Sec. 6111.027. (A) Mitigation for impacts to isolated wetlands under sections 6111.02 to 6111.027 shall be conducted in accordance with the following ratios:

(1) For category 1 and category 2 isolated wetlands, other than forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two times the size of the area of isolated wetland that is being impacted.

(2) For forested category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted, or mitigation shall be paid for under an in-lieu fee mitigation program, at a rate of two and one-half times the size of the area of isolated wetland that is being impacted.

(3) All other mitigation shall be subject to mitigation ratios established in ~~division (F)~~ of rule 3745-1-54 of the Administrative Code.

(B) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code.

(C) An applicant for coverage under a general state isolated wetland permit or for an individual state isolated wetland permit under sections 6111.022 to 6111.024 of the Revised Code shall demonstrate that the mitigation site will be protected long term and that appropriate practicable management measures are, or will be, in place to restrict harmful activities that jeopardize the mitigation.

Sec. 6111.13. (A) As used in this section:

(1) "Method detection limit" has the same meaning as in 40 C.F.R. part 136, appendix B, and shall be determined in accordance with the procedures set forth in that appendix.

(2) "Practical quantification level" means a concentration that is five times the method detection limit for the most

sensitive available analytical procedure currently approved under 60773
40 C.F.R. part 136 for a pollutant unless the director of 60774
environmental protection, by rules adopted in accordance with 60775
Chapter 119. of the Revised Code, establishes a different 60776
practical quantification level for the pollutant that is 60777
consistent with and no more stringent than the appropriate 60778
national consensus standard or other generally accepted standard. 60779

(B) Notwithstanding any other provisions of this chapter to 60780
the contrary, and until the director has adopted rules specifying 60781
a different basis for determining compliance consistent with and 60782
no more stringent than an appropriate national consensus standard 60783
or other generally accepted standard, if a discharge limit is set 60784
below the practical quantification level for a particular 60785
parameter, any value reported ~~at or~~ below the practical 60786
quantification level shall be considered to be in compliance with 60787
that limit. 60788

(C) Whenever a discharge limit for a pollutant is less than 60789
the practical quantification level, the director may require the 60790
permit holder to identify the possible sources of that pollutant. 60791
The director, by rule, may specify additional actions that the 60792
permit holder may be required to take when the director finds the 60793
actions to be necessary to prevent or mitigate significant adverse 60794
effects on public health or environmental quality. Failure of a 60795
permit holder to comply with additional actions required by the 60796
director under this division constitutes a violation of the permit 60797
holder's discharge permit. 60798

Section 101.02. That existing sections 9.318, 9.821, 9.822, 60799
9.83, 101.15, 102.02, 107.03, 109.08, 109.57, 109.572, 109.79, 60800
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5741.03, 5747.01, 5747.02, 5747.05, 5747.08, 5747.10, 5751.02, 60871
5751.03, 5751.40, 6109.121, 6111.027, and 6111.13 of the Revised 60872
Code are hereby repealed. 60873

Section 105.01. That sections 109.802, 117.49, 117.50, 60874
183.12, 183.13, 183.14, 183.15, 183.16, 183.17, 184.011, 341.121, 60875
1533.38, 3301.0724, 3301.122, 3301.46, 3301.922, 3310.55, 60876
3313.5316, 3313.901, 3314.033, 3314.085, 3314.088, 3314.30, 60877
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3333.612, 3333.614, 3333.67, 3735.01, 3746.07, 4503.515, 5123.046, 60881
5124.171, 5124.195, 5124.196, 5124.197, 5124.198, 5124.199, 60882
5124.211, 5124.231, 5124.28, 5126.12, 5126.121, 5165.25, 5167.172, 60883
5701.15, and 5741.032 of the Revised Code are hereby repealed. 60884

Section 110.10. That the version of section 3319.227 of the 60886
Revised Code that is scheduled to take effect April 12, 2023, be 60887
amended to read as follows: 60888

Sec. 3319.227. (A) Notwithstanding any other provision of the 60889
Revised Code or any rule adopted by the state board of education 60890
to the contrary, the state board shall issue a resident educator 60891
license under section 3319.22 of the Revised Code to each person 60892
who is assigned to teach in this state as a participant in the 60893
teach for America program and who satisfies the following 60894
conditions for the duration of the program: 60895

(1) Holds a bachelor's degree from an accredited institution 60896

of higher education; 60897

(2) Maintained a cumulative undergraduate grade point average 60898
of at least 2.5 out of 4.0, or its equivalent; 60899

(3) Has passed an examination prescribed by the state board 60900
in the subject area to be taught; 60901

(4) Has successfully completed the summer training institute 60902
operated by teach for America; 60903

(5) Remains an active member of the teach for America 60904
two-year support program. 60905

(B) The state board shall issue a resident educator license 60906
under this section for teaching in any grade level or subject area 60907
for which a person may obtain a resident educator license under 60908
section 3319.22 of the Revised Code. The state board shall not 60909
adopt rules establishing any additional qualifications for the 60910
license beyond those specified in this section. 60911

(C) Notwithstanding any other provision of the Revised Code 60912
or any rule adopted by the state board to the contrary, the state 60913
board shall issue a resident educator license under section 60914
3319.22 of the Revised Code to any applicant who has completed at 60915
least two years of teaching in another state as a participant in 60916
the teach for America program and meets all of the conditions of 60917
divisions (A)(1) to (4) of this section. The state board shall 60918
credit an applicant under this division as having completed the 60919
teacher residency program under section 3319.223 of the Revised 60920
Code. 60921

(D) In order to place teachers in this state, the teach for 60922
America program shall enter into an agreement with one or more 60923
accredited four-year public or private institutions of higher 60924
education in the state to provide optional training of teach for 60925
America participants for the purpose of enabling those 60926
participants to complete an optional master's degree or an 60927

equivalent amount of coursework. Nothing in this division shall 60928
require any teach for America participant to complete a master's 60929
degree as a condition of holding a license issued under this 60930
section. 60931

(E) The superintendent of public instruction, on behalf of 60932
the state board, shall ~~revoke~~ inactivate a resident educator 60933
license issued to a participant in the teach for America program 60934
who is assigned to teach in this state if the participant resigns 60935
or is dismissed from the program prior to completion of the 60936
two-year teach for America support program. The inactivation of a 60937
license under this division does not constitute a suspension or 60938
revocation of the license by the state board under section 3319.31 60939
of the Revised Code and the state board and the state 60940
superintendent need not provide the person with an opportunity for 60941
a hearing with respect to the inactivation. 60942

Section 110.11. That the existing version of section 3319.227 60943
of the Revised Code that is scheduled to take effect April 12, 60944
2023, is hereby repealed. 60945

Section 110.12. Sections 110.10 and 110.11 of this act take 60946
effect on April 12, 2023. 60947

Section 110.22. Sections 109.572, 111.15, 111.16, 121.22, 60948
140.01, 1322.10, 1322.21, 1561.12, 1561.23, 3319.31, 3319.39, 60949
3770.073, 3772.01, 4755.06, 4755.08, 4755.11, 4755.47, 4755.64, 60950
4757.10, and 4779.28 of the Revised Code as presented in this act 60951
take effect on the later of October 9, 2021, or the effective date 60952
of this section. (October 9, 2021, is the effective date of 60953
earlier amendments to those section by H.B. 263 of the 133rd 60954
General Assembly.) 60955

Section 130.10. That sections 111.15, 140.01, 3701.07, 60956

3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 60957
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 60958
3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 60959
3711.30, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 3901.40, 60960
3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 4761.01 be 60961
amended and sections 3722.01, 3722.02, 3722.03, 3722.04, 3722.05, 60962
3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 3722.11, 3722.12, 60963
3722.13, 3722.14, and 3722.99 of the Revised Code be enacted to 60964
read as follows: 60965

Sec. 111.15. (A) As used in this section: 60966

(1) "Rule" includes any rule, regulation, bylaw, or standard 60967
having a general and uniform operation adopted by an agency under 60968
the authority of the laws governing the agency; any appendix to a 60969
rule; and any internal management rule. "Rule" does not include 60970
any guideline adopted pursuant to section 3301.0714 of the Revised 60971
Code, any order respecting the duties of employees, any finding, 60972
any determination of a question of law or fact in a matter 60973
presented to an agency, or any rule promulgated pursuant to 60974
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 60975
Revised Code. "Rule" includes any amendment or rescission of a 60976
rule. 60977

(2) "Agency" means any governmental entity of the state and 60978
includes, but is not limited to, any board, department, division, 60979
commission, bureau, society, council, institution, state college 60980
or university, community college district, technical college 60981
district, or state community college. "Agency" does not include 60982
the general assembly, the controlling board, the adjutant 60983
general's department, or any court. 60984

(3) "Internal management rule" means any rule, regulation, 60985
bylaw, or standard governing the day-to-day staff procedures and 60986

operations within an agency. 60987

(B)(1) Any rule, other than a rule of an emergency nature, 60988
adopted by any agency pursuant to this section shall be effective 60989
on the tenth day after the day on which the rule in final form and 60990
in compliance with division (B)(3) of this section is filed as 60991
follows: 60992

(a) The rule shall be filed in electronic form with both the 60993
secretary of state and the director of the legislative service 60994
commission; 60995

(b) The rule shall be filed in electronic form with the joint 60996
committee on agency rule review. Division (B)(1)(b) of this 60997
section does not apply to any rule to which division (D) of this 60998
section does not apply. 60999

An agency that adopts or amends a rule that is subject to 61000
division (D) of this section shall assign a review date to the 61001
rule that is not later than five years after its effective date. 61002
If a review date assigned to a rule exceeds the five-year maximum, 61003
the review date for the rule is five years after its effective 61004
date. A rule with a review date is subject to review under section 61005
106.03 of the Revised Code. This paragraph does not apply to a 61006
rule of a state college or university, community college district, 61007
technical college district, or state community college. 61008

If an agency in adopting a rule designates an effective date 61009
that is later than the effective date provided for by division 61010
(B)(1) of this section, the rule if filed as required by such 61011
division shall become effective on the later date designated by 61012
the agency. 61013

Any rule that is required to be filed under division (B)(1) 61014
of this section is also subject to division (D) of this section if 61015
not exempted by that division. 61016

If a rule incorporates a text or other material by reference, 61017

the agency shall comply with sections 121.71 to 121.75 of the Revised Code. 61018
61019

(2) A rule of an emergency nature necessary for the immediate preservation of the public peace, health, or safety shall state the reasons for the necessity. The emergency rule, in final form and in compliance with division (B)(3) of this section, shall be filed in electronic form with the secretary of state, the director of the legislative service commission, and the joint committee on agency rule review. The emergency rule is effective immediately upon completion of the latest filing, except that if the agency in adopting the emergency rule designates an effective date, or date and time of day, that is later than the effective date and time provided for by division (B)(2) of this section, the emergency rule if filed as required by such division shall become effective at the later date, or later date and time of day, designated by the agency. 61020
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An emergency rule becomes invalid at the end of the one hundred twentieth day it is in effect. Prior to that date, the agency may file the emergency rule as a nonemergency rule in compliance with division (B)(1) of this section. The agency may not refile the emergency rule in compliance with division (B)(2) of this section so that, upon the emergency rule becoming invalid under such division, the emergency rule will continue in effect without interruption for another one hundred twenty-day period. 61034
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(3) An agency shall file a rule under division (B)(1) or (2) of this section in compliance with the following standards and procedures: 61042
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(a) The rule shall be numbered in accordance with the numbering system devised by the director for the Ohio administrative code. 61045
61046
61047

(b) The rule shall be prepared and submitted in compliance 61048

with the rules of the legislative service commission. 61049

(c) The rule shall clearly state the date on which it is to 61050
be effective and the date on which it will expire, if known. 61051

(d) Each rule that amends or rescinds another rule shall 61052
clearly refer to the rule that is amended or rescinded. Each 61053
amendment shall fully restate the rule as amended. 61054

If the director of the legislative service commission or the 61055
director's designee gives an agency notice pursuant to section 61056
103.05 of the Revised Code that a rule filed by the agency is not 61057
in compliance with the rules of the legislative service 61058
commission, the agency shall within thirty days after receipt of 61059
the notice conform the rule to the rules of the commission as 61060
directed in the notice. 61061

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 61062
of this section shall be recorded by the secretary of state and 61063
the director under the title of the agency adopting the rule and 61064
shall be numbered according to the numbering system devised by the 61065
director. The secretary of state and the director shall preserve 61066
the rules in an accessible manner. Each such rule shall be a 61067
public record open to public inspection and may be transmitted to 61068
any law publishing company that wishes to reproduce it. 61069

(D) At least sixty-five days before a board, commission, 61070
department, division, or bureau of the government of the state 61071
files a rule under division (B)(1) of this section, it shall file 61072
the full text of the proposed rule in electronic form with the 61073
joint committee on agency rule review, and the proposed rule is 61074
subject to legislative review and invalidation under section 61075
106.021 of the Revised Code. If a state board, commission, 61076
department, division, or bureau makes a revision in a proposed 61077
rule after it is filed with the joint committee, the state board, 61078
commission, department, division, or bureau shall promptly file 61079

the full text of the proposed rule in its revised form in 61080
electronic form with the joint committee. A state board, 61081
commission, department, division, or bureau shall also file the 61082
rule summary and fiscal analysis prepared under section 106.024 of 61083
the Revised Code in electronic form along with a proposed rule, 61084
and along with a proposed rule in revised form, that is filed 61085
under this division. If a proposed rule has an adverse impact on 61086
businesses, the state board, commission, department, division, or 61087
bureau also shall file the business impact analysis, any 61088
recommendations received from the common sense initiative office, 61089
and the associated memorandum of response, if any, in electronic 61090
form along with the proposed rule, or the proposed rule in revised 61091
form, that is filed under this division. 61092

A proposed rule that is subject to legislative review under 61093
this division may not be adopted and filed in final form under 61094
division (B)(1) of this section unless the proposed rule has been 61095
filed with the joint committee on agency rule review under this 61096
division and the time for the joint committee to review the 61097
proposed rule has expired without recommendation of a concurrent 61098
resolution to invalidate the proposed rule. 61099

As used in this division, "commission" includes the public 61100
utilities commission when adopting rules under a federal or state 61101
statute. 61102

This division does not apply to any of the following: 61103

(1) A proposed rule of an emergency nature; 61104

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 61105
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 4123.40, 61106
4123.411, 4123.44, or 4123.442 of the Revised Code; 61107

(3) A rule proposed by an agency other than a board, 61108
commission, department, division, or bureau of the government of 61109
the state; 61110

(4) A proposed internal management rule of a board, 61111
commission, department, division, or bureau of the government of 61112
the state; 61113

(5) Any proposed rule that must be adopted verbatim by an 61114
agency pursuant to federal law or rule, to become effective within 61115
sixty days of adoption, in order to continue the operation of a 61116
federally reimbursed program in this state, so long as the 61117
proposed rule contains both of the following: 61118

(a) A statement that it is proposed for the purpose of 61119
complying with a federal law or rule; 61120

(b) A citation to the federal law or rule that requires 61121
verbatim compliance. 61122

(6) ~~An initial rule proposed by the director of health to 61123
impose safety standards and quality of care standards with respect 61124
to a health service specified in section 3702.11 of the Revised 61125
Code, or an initial rule proposed by the director of health to 61126
impose quality standards on a health care facility as defined in 61127
section 3702.30 of the Revised Code, if section 3702.12 of the 61128
Revised Code requires that the rule be adopted under this section;~~ 61129

(7) A rule of the state lottery commission pertaining to 61130
instant game rules. 61131

If a rule is exempt from legislative review under division 61132
(D)(5) of this section, and if the federal law or rule pursuant to 61133
which the rule was adopted expires, is repealed or rescinded, or 61134
otherwise terminates, the rule is thereafter subject to 61135
legislative review under division (D) of this section. 61136

Whenever a state board, commission, department, division, or 61137
bureau files a proposed rule or a proposed rule in revised form 61138
under division (D) of this section, it shall also file the full 61139
text of the same proposed rule or proposed rule in revised form in 61140
electronic form with the secretary of state and the director of 61141

the legislative service commission. A state board, commission, 61142
department, division, or bureau shall file the rule summary and 61143
fiscal analysis prepared under section 106.024 of the Revised Code 61144
in electronic form along with a proposed rule or proposed rule in 61145
revised form that is filed with the secretary of state or the 61146
director of the legislative service commission. 61147

Sec. 140.01. As used in this chapter: 61148

(A) "Hospital agency" means any public hospital agency or any 61149
nonprofit hospital agency. 61150

(B) "Public hospital agency" means any county, board of 61151
county hospital trustees established pursuant to section 339.02 of 61152
the Revised Code, county hospital commission established pursuant 61153
to section 339.14 of the Revised Code, municipal corporation, new 61154
community authority organized under Chapter 349. of the Revised 61155
Code, joint township hospital district, state or municipal 61156
university or college operating or authorized to operate a 61157
hospital facility, or the state. 61158

(C) "Nonprofit hospital agency" means a corporation or 61159
association not for profit, no part of the net earnings of which 61160
inures or may lawfully inure to the benefit of any private 61161
shareholder or individual, that has authority to own or operate a 61162
hospital facility or provides or is to provide services to one or 61163
more other hospital agencies. 61164

(D) "Governing body" means, in the case of a county, the 61165
board of county commissioners or other legislative body; in the 61166
case of a board of county hospital trustees, the board; in the 61167
case of a county hospital commission, the commission; in the case 61168
of a municipal corporation, the council or other legislative 61169
authority; in the case of a new community authority, its board of 61170
trustees; in the case of a joint township hospital district, the 61171
joint township district hospital board; in the case of a state or 61172

municipal university or college, its board of trustees or board of 61173
directors; in the case of a nonprofit hospital agency, the board 61174
of trustees or other body having general management of the agency; 61175
and, in the case of the state, the director of development 61176
~~services~~ or the Ohio higher educational facility commission. 61177

(E) "Hospital facilities" means buildings, structures and 61178
other improvements, additions thereto and extensions thereof, 61179
furnishings, equipment, and real estate and interests in real 61180
estate, used or to be used for or in connection with one or more 61181
hospitals, emergency, intensive, intermediate, extended, 61182
long-term, or self-care facilities, diagnostic and treatment and 61183
out-patient facilities, facilities related to programs for home 61184
health services, clinics, laboratories, public health centers, 61185
research facilities, and rehabilitation facilities, for or 61186
pertaining to diagnosis, treatment, care, or rehabilitation of 61187
sick, ill, injured, infirm, impaired, disabled, or handicapped 61188
persons, or the prevention, detection, and control of disease, and 61189
also includes education, training, and food service facilities for 61190
health professions personnel, housing facilities for such 61191
personnel and their families, and parking and service facilities 61192
in connection with any of the foregoing; and includes any one, 61193
part of, or any combination of the foregoing; and further includes 61194
site improvements, utilities, machinery, facilities, furnishings, 61195
and any separate or connected buildings, structures, improvements, 61196
sites, utilities, facilities, or equipment to be used in, or in 61197
connection with the operation or maintenance of, or supplementing 61198
or otherwise related to the services or facilities to be provided 61199
by, any one or more of such hospital facilities. 61200

(F) "Costs of hospital facilities" means the costs of 61201
acquiring hospital facilities or interests in hospital facilities, 61202
including membership interests in nonprofit hospital agencies, 61203
costs of constructing hospital facilities, costs of improving one 61204

or more hospital facilities, including reconstructing, 61205
rehabilitating, remodeling, renovating, and enlarging, costs of 61206
equipping and furnishing such facilities, and all financing costs 61207
pertaining thereto, including, without limitation thereto, costs 61208
of engineering, architectural, and other professional services, 61209
designs, plans, specifications and surveys, and estimates of cost, 61210
costs of tests and inspections, the costs of any indemnity or 61211
surety bonds and premiums on insurance, all related direct or 61212
allocable administrative expenses pertaining thereto, fees and 61213
expenses of trustees, depositories, and paying agents for the 61214
obligations, cost of issuance of the obligations and financing 61215
charges and fees and expenses of financial advisors, attorneys, 61216
accountants, consultants and rating services in connection 61217
therewith, capitalized interest on the obligations, amounts 61218
necessary to establish reserves as required by the bond 61219
proceedings, the reimbursement of all moneys advanced or applied 61220
by the hospital agency or others or borrowed from others for the 61221
payment of any item or items of costs of such facilities, and all 61222
other expenses necessary or incident to planning or determining 61223
feasibility or practicability with respect to such facilities, and 61224
such other expenses as may be necessary or incident to the 61225
acquisition, construction, reconstruction, rehabilitation, 61226
remodeling, renovation, enlargement, improvement, equipment, and 61227
furnishing of such facilities, the financing thereof, and the 61228
placing of the same in use and operation, including any one, part 61229
of, or combination of such classes of costs and expenses, and 61230
means the costs of refinancing obligations issued by, or 61231
reimbursement of money advanced by, nonprofit hospital agencies or 61232
others the proceeds of which were used for the payment of costs of 61233
hospital facilities, if the governing body of the public hospital 61234
agency determines that the refinancing or reimbursement advances 61235
the purposes of this chapter, whether or not the refinancing or 61236
reimbursement is in conjunction with the acquisition or 61237

construction of additional hospital facilities. 61238

(G) "Hospital receipts" means all moneys received by or on 61239
behalf of a hospital agency from or in connection with the 61240
ownership, operation, acquisition, construction, improvement, 61241
equipping, or financing of any hospital facilities, including, 61242
without limitation thereto, any rentals and other moneys received 61243
from the lease, sale, or other disposition of hospital facilities, 61244
and any gifts, grants, interest subsidies, or other moneys 61245
received under any federal program for assistance in financing the 61246
costs of hospital facilities, and any other gifts, grants, and 61247
donations, and receipts therefrom, available for financing the 61248
costs of hospital facilities. 61249

(H) "Obligations" means bonds, notes, or other evidences of 61250
indebtedness or obligation, including interest coupons pertaining 61251
thereto, issued or issuable by a public hospital agency to pay 61252
costs of hospital facilities. 61253

(I) "Bond service charges" means principal, interest, and 61254
call premium, if any, required to be paid on obligations. 61255

(J) "Bond proceedings" means one or more ordinances, 61256
resolutions, trust agreements, indentures, and other agreements or 61257
documents, and amendments and supplements to the foregoing, or any 61258
combination thereof, authorizing or providing for the terms, 61259
including any variable interest rates, and conditions applicable 61260
to, or providing for the security of, obligations and the 61261
provisions contained in such obligations. 61262

(K) "Nursing home" has the same meaning as in division (A)(1) 61263
of section 5701.13 of the Revised Code. 61264

(L) "Residential care facility" has the same meaning as in 61265
division (A)(2) of section 5701.13 of the Revised Code. 61266

(M) "Independent living facility" means any self-care 61267
facility or other housing facility designed or used as a residence 61268

for elderly persons. An "independent living facility" does not 61269
include a residential facility, or that part of a residential 61270
facility, that is any of the following: 61271

(1) A hospital ~~required to be certified by section 3727.02 of~~ 61272
~~the Revised Code;~~ 61273

(2) A nursing home or residential care facility; 61274

(3) A facility operated by a hospice care program licensed 61275
under section 3712.04 of the Revised Code and used for the 61276
program's hospice patients; 61277

(4) A residential facility licensed by the department of 61278
mental health and addiction services under section 5119.34 of the 61279
Revised Code that provides accommodations, supervision, and 61280
personal care services for three to sixteen unrelated adults; 61281

(5) A residential facility licensed by the department of 61282
mental health and addiction services under section 5119.34 of the 61283
Revised Code that is not a residential facility described in 61284
division (M)(4) of this section; 61285

(6) A facility licensed to operate an opioid treatment 61286
program under section 5119.37 of the Revised Code; 61287

(7) A community addiction services provider, as defined in 61288
section 5119.01 of the Revised Code; 61289

(8) A residential facility licensed under section 5123.19 of 61290
the Revised Code or a facility providing services under a contract 61291
with the department of developmental disabilities under section 61292
5123.18 of the Revised Code; 61293

(9) A residential facility used as part of a hospital to 61294
provide housing for staff of the hospital or students pursuing a 61295
course of study at the hospital. 61296

Sec. 3701.07. ~~(A) The director of health shall adopt rules in~~ 61297

~~accordance with Chapter 119. of the Revised Code defining and 61298
classifying hospitals and dispensaries and providing for the 61299
reporting of information by hospitals and dispensaries. Except as 61300
otherwise provided in the Revised Code, the rules providing for 61301
the reporting of information shall not require inclusion of any 61302
confidential patient data or any information concerning the 61303
financial condition, income, expenses, or net worth of the 61304
facilities. The rules may require the reporting of information in 61305
the following categories: 61306~~

~~(1) Information needed to identify and classify the 61307
institution; 61308~~

~~(2) Information on facilities and type and volume of services 61309
provided by the institution; 61310~~

~~(3) The number of beds listed by category of care provided; 61311~~

~~(4) The number of licensed or certified professional 61312
employees by classification; 61313~~

~~(5) The number of births that occurred at the institution the 61314
previous calendar year; 61315~~

~~(6) Any other information that the director considers 61316
relevant to the safety of patients served by the institution. 61317~~

~~Every hospital and dispensary, public or private, annually 61318
shall register with and report to the department of health. 61319
Reports shall be submitted in the manner prescribed in rules 61320
adopted under this division. 61321~~

~~(B) Every governmental entity or private nonprofit 61322
corporation or association whose employees or representatives are 61323
defined as residents' rights advocates under divisions (E)(1) and 61324
(2) of section 3721.10 of the Revised Code shall register with the 61325
department of health on forms furnished by the director of health 61326
and shall provide such reasonable identifying information as the 61327~~

director may prescribe. 61328

The department shall compile a list of the governmental 61329
entities, corporations, or associations registering under this 61330
division and shall update the list annually. Copies of the list 61331
shall be made available to nursing home administrators as defined 61332
in division (C) of section 3721.10 of the Revised Code. 61333

Sec. 3701.351. (A) The governing body of every hospital shall 61334
set standards and procedures to be applied by the hospital and its 61335
medical staff in considering and acting upon applications for 61336
staff membership or professional privileges. These standards and 61337
procedures shall be available for public inspection. 61338

(B) The governing body of any hospital, in considering and 61339
acting upon applications for staff membership or professional 61340
privileges within the scope of the applicants' respective 61341
licensures, shall not discriminate against a qualified person 61342
solely on the basis of whether that person is licensed to practice 61343
medicine, osteopathic medicine, or podiatry, is licensed to 61344
practice dentistry or psychology, or is licensed to practice 61345
nursing as an advanced practice registered nurse. Staff membership 61346
or professional privileges shall be considered and acted on in 61347
accordance with standards and procedures established under 61348
division (A) of this section. ~~This section does not permit a~~ 61349
~~psychologist to admit a patient to a hospital in violation of~~ 61350
~~section 3727.06 of the Revised Code.~~ 61351

(C) The governing body of any hospital that ~~is licensed to~~ 61352
~~provide~~ provides maternity services, in considering and acting 61353
upon applications for clinical privileges, shall not discriminate 61354
against a qualified person solely on the basis that the person is 61355
authorized to practice nurse-midwifery. An application from a 61356
certified nurse-midwife who is not employed by the hospital shall 61357
contain the name of a physician member of the hospital's medical 61358

staff who holds clinical privileges in obstetrics at that hospital 61359
and who has agreed to be the collaborating physician for the 61360
applicant in accordance with section 4723.43 of the Revised Code. 61361

(D) Any person may apply to the court of common pleas for 61362
temporary or permanent injunctions restraining a violation of 61363
division (A), (B), or (C) of this section. This action is an 61364
additional remedy not dependent on the adequacy of the remedy at 61365
law. 61366

(E)(1) If a hospital does not provide or permit the provision 61367
of any diagnostic or treatment service for mental or emotional 61368
disorders or any other service that may be legally performed by a 61369
psychologist licensed under Chapter 4732. of the Revised Code, 61370
this section does not require the hospital to provide or permit 61371
the provision of any such service and the hospital shall be exempt 61372
from requirements of this section pertaining to psychologists. 61373

(2) This section does not impair the right of a hospital to 61374
enter into an employment, personal service, or any other kind of 61375
contract with a licensed psychologist, upon any such terms as the 61376
parties may mutually agree, for the provision of any service that 61377
may be legally performed by a licensed psychologist. 61378

Sec. 3701.503. As used in sections 3701.504 to 3701.509 of 61379
the Revised Code: 61380

(A) "Parent" means either parent, unless the parents are 61381
separated or divorced or their marriage has been dissolved or 61382
annulled, in which case "parent" means the parent who is the 61383
residential parent and legal custodian. 61384

(B) "Guardian" has the same meaning as in section 2111.01 of 61385
the Revised Code. 61386

(C) "Custodian" means, except as used in division (A) of this 61387
section, a government agency or an individual, other than the 61388

parent or guardian, with legal or permanent custody of a child as defined in section 2151.011 of the Revised Code. 61389
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(D) "Hearing screening" means the identification of newborns and infants who may have a hearing impairment, through the use of a physiologic test. 61391
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(E) "Hearing evaluation" means evaluation through the use of audiological procedures by an audiologist or physician. 61394
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(F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension. 61396
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(G) "Newborn" means a child who is less than thirty days old. 61399

(H) "Infant" means a child who is at least thirty days but less than twenty-four months old. 61400
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(I) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ means any facility in which deliveries routinely occur, regardless of whether the facility is located on the campus of another health care facility. 61402
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(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 61406
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(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology. 61409
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(L) "Hospital" means a hospital that has a maternity unit or newborn nursery. 61411
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(M) "Maternity unit" means any unit or place in a hospital where women are regularly received and provided care during all or part of the maternity cycle, except that "maternity unit" does not include an emergency department or similar place dedicated to providing emergency health care. 61413
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(N) "Board of health" means the board of health of a city or 61418

general health district or the authority having the duties of a 61419
board of health under section 3709.05 of the Revised Code. 61420

Sec. 3701.5010. (A) As used in this section: 61421

(1) "Critical congenital heart defects screening" means the 61422
identification of a newborn that may have a critical congenital 61423
heart defect, through the use of a physiologic test. 61424

(2) "Freestanding birthing center" ~~has the same meaning as in~~ 61425
~~section 3702.141 of the Revised Code~~ has the same meaning as in 61426
section 3701.503 of the Revised Code. 61427

(3) "Hospital," "maternity unit," "newborn," and "physician" 61428
have the same meanings as in section 3701.503 of the Revised Code. 61429

(4) "Pulse oximetry" means a noninvasive test that estimates 61430
the percentage of hemoglobin in blood that is saturated with 61431
oxygen. 61432

(B) Except as provided in division (C) of this section, each 61433
hospital and each freestanding birthing center shall conduct a 61434
critical congenital heart defects screening on each newborn born 61435
in the hospital or center, unless the newborn is being transferred 61436
to another hospital. The screening shall be performed before 61437
discharge. If the newborn is transferred to another hospital, that 61438
hospital shall conduct the screening when determined to be 61439
medically appropriate. The hospital or center shall promptly 61440
notify the newborn's parent, guardian, or custodian and attending 61441
physician of the screening results. 61442

(C) A hospital or freestanding birthing center shall not 61443
conduct a critical congenital heart defects screening if the 61444
newborn's parent objects on the grounds that the screening 61445
conflicts with the parent's religious tenets and practices. 61446

(D)(1) The director of health shall adopt rules in accordance 61447
with Chapter 119. of the Revised Code establishing standards and 61448

procedures for the screening required by this section, including 61449
all of the following: 61450

(a) Designating the person or persons responsible for causing 61451
the screening to be performed; 61452

(b) Specifying screening equipment and methods; 61453

(c) Identifying when the screening should be performed; 61454

(d) Providing notice of the required screening to the 61455
newborn's parent, guardian, or custodian; 61456

(e) Communicating screening results to the newborn's parent, 61457
guardian, or custodian and attending physician; 61458

(f) Reporting screening results to the department of health; 61459

(g) Referring newborns that receive abnormal screening 61460
results to providers of follow-up services. 61461

(2) In adopting rules under division (D)(1)(b) of this 61462
section, the director shall specify screening equipment and 61463
methods that include the use of pulse oximetry or other screening 61464
equipment and methods that detect critical congenital heart 61465
defects at least as accurately as pulse oximetry. The screening 61466
equipment and methods specified shall be consistent with 61467
recommendations issued by nationally recognized organizations that 61468
advocate on behalf of medical professionals or individuals with 61469
cardiovascular conditions. 61470

Sec. 3701.63. (A) As used in this section and sections 61471
3701.64, 3701.66, and 3701.67 of the Revised Code: 61472

(1) "Child day-care center," "type A family day-care home," 61473
and "licensed type B family day-care home" have the same meanings 61474
as in section 5104.01 of the Revised Code. 61475

(2) "Child care facility" means a child day-care center, a 61476
type A family day-care home, or a licensed type B family day-care 61477

home. 61478

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code. 61479
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(4) "Freestanding birthing center" ~~has the same meaning as in section 3702.141 of the Revised Code~~ has the same meaning as in section 3701.503 of the Revised Code. 61481
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(5) "Hospital" ~~means a hospital classified pursuant to rules adopted under section 3701.07 of the Revised Code as a general hospital or children's hospital and~~ has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies: 61484
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(a) The hospital has a maternity unit. 61489

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth. 61490
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(6) "Infant" means a child who is less than one year of age. 61493

(7) "Maternity unit" means the distinct portion of a hospital ~~licensed as a maternity unit under Chapter 3711. of the Revised Code~~ in which maternity services are provided. 61494
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(8) "Other person responsible for the infant" includes a foster caregiver. 61497
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(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed. 61499
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(10) "Shaken baby syndrome" means signs and symptoms, including, but not limited to, retinal hemorrhages in one or both eyes, subdural hematoma, or brain swelling, resulting from the violent shaking or the shaking and impacting of the head of an 61504
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infant or small child. 61508

(B) The director of health shall establish the shaken baby syndrome education program by doing all of the following: 61509
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(1) Developing educational materials that present readily comprehensible information on shaken baby syndrome; 61511
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(2) Making available on the department of health web site in an easily accessible format the educational materials developed under division (B)(1) of this section; 61513
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(3) Annually assessing the effectiveness of the shaken baby syndrome education program by doing all of the following: 61516
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(a) Evaluating the reports received pursuant to section 5101.135 of the Revised Code; 61518
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(b) Reviewing the content of the educational materials to determine if updates or improvements should be made; 61520
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(c) Reviewing the manner in which the educational materials are distributed, as described in section 3701.64 of the Revised Code, to determine if modifications to that manner should be made. 61522
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(C) In meeting the requirements under division (B) of this section, the director shall develop educational materials that, to the extent possible, minimize administrative or financial burdens on any of the entities or persons listed in section 3701.64 of the Revised Code. 61525
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Sec. 3701.69. (A)(1) The department of health shall create a Down syndrome information sheet that includes all of the following: 61530
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(a) A description of Down syndrome, including its causes, effects on development, and potential complications; 61533
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(b) Diagnostic tests; 61535

(c) Options for treatment and therapy; 61536

(d) Contact information for local, state, and national organizations that provide Down syndrome educational and support services and programs. 61537
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(2) With respect to the medical information included in the information sheet, the department shall include only information that is current and based on medical evidence. 61540
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(3) The department shall periodically review and update the information sheet and shall make it available on the department's internet web site. 61543
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(B) If a patient under the care of any of the following health care professionals or facilities receives either a test result indicating Down syndrome or a prenatal or postnatal diagnosis of Down syndrome, the health care professional or facility shall provide to the patient or the patient's representative a copy of the information sheet created under division (A) of this section: 61546
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(1) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 61553
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(2) A certified nurse-midwife who holds a certificate of authority issued under Chapter 4723. of the Revised Code; 61556
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(3) A genetic counselor licensed under Chapter 4778. of the Revised Code; 61558
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(4) A hospital ~~registered under section 3701.07 of the Revised Code~~ licensed under Chapter 3722. of the Revised Code that operates a maternity unit or newborn care nursery; 61560
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(5) A ~~maternity unit, newborn care nursery, or~~ maternity home licensed under Chapter 3711. of the Revised Code; 61563
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(6) A freestanding birthing center licensed under section 3702.30 of the Revised Code. 61565
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Sec. 3701.83. There is hereby created in the state treasury 61567
the general operations fund. Moneys in the fund shall be used for 61568
the purposes specified in sections 3701.04, 3701.344, ~~3702.20,~~ 61569
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 61570
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 61571
4736.06, and 4769.09 of the Revised Code. 61572

Sec. 3702.30. (A) As used in this section: 61573

(1) "Ambulatory surgical facility" means a facility in which 61574
surgical services are provided to patients who do not require 61575
hospitalization for inpatient care, the duration of services for 61576
any patient does not extend beyond twenty-four hours after the 61577
patient's admission, and to which any of the following apply: 61578

(a) The surgical services are provided in a building that is 61579
separate from another building in which inpatient care is 61580
provided, regardless of whether the separate building is part of 61581
the same organization as the building in which inpatient care is 61582
provided. 61583

(b) The surgical services are provided within a building in 61584
which inpatient care is provided and the entity that operates the 61585
portion of the building where the surgical services are provided 61586
is not the entity that operates the remainder of the building. 61587

(c) The facility is held out to any person or government 61588
entity as an ambulatory surgical facility or similar facility by 61589
means of signage, advertising, or other promotional efforts. 61590

"Ambulatory surgical facility" does not include a hospital 61591
emergency department, hospital provider-based department that is 61592
otherwise licensed under Chapter 3722. of the Revised Code, or an 61593
office of a physician, podiatrist, or dentist. 61594

(2) "Health care facility" means any of the following: 61595

- (a) An ambulatory surgical facility; 61596
- (b) A freestanding dialysis center; 61597
- (c) A freestanding inpatient rehabilitation facility; 61598
- (d) A freestanding birthing center; 61599
- (e) A freestanding radiation therapy center; 61600
- (f) A freestanding or mobile diagnostic imaging center. 61601

(B) By rule adopted in accordance with sections 3702.12 and 61602
3702.13 of the Revised Code, the director of health shall 61603
establish quality standards for health care facilities. The 61604
standards may incorporate accreditation standards or other quality 61605
standards established by any entity recognized by the director. 61606

In the case of an ambulatory surgical facility, the standards 61607
shall require the ambulatory surgical facility to maintain an 61608
infection control program. The purposes of the program are to 61609
minimize infections and communicable diseases and facilitate a 61610
functional and sanitary environment consistent with standards of 61611
professional practice. To achieve these purposes, ambulatory 61612
surgical facility staff managing the program shall create and 61613
administer a plan designed to prevent, identify, and manage 61614
infections and communicable diseases; ensure that the program is 61615
directed by a qualified professional trained in infection control; 61616
ensure that the program is an integral part of the ambulatory 61617
surgical facility's quality assessment and performance improvement 61618
program; and implement in an expeditious manner corrective and 61619
preventive measures that result in improvement. 61620

(C) Every ambulatory surgical facility shall require that 61621
each physician who practices at the facility comply with all 61622
relevant provisions in the Revised Code that relate to the 61623
obtaining of informed consent from a patient. 61624

(D) The director shall issue a license to each health care 61625

facility that makes application for a license and demonstrates to 61626
the director that it meets the quality standards established by 61627
the rules adopted under division (B) of this section and satisfies 61628
the informed consent compliance requirements specified in division 61629
(C) of this section. 61630

(E)(1) Except as provided in division (H) of this section and 61631
in section 3702.301 of the Revised Code, no health care facility 61632
shall operate without a license issued under this section. 61633

The general assembly does not intend for the provisions of 61634
this section or section 3702.301 of the Revised Code that 61635
establish health care facility licensing requirements or 61636
exemptions to have an effect on any third-party payments that may 61637
be available for the services provided by either a licensed health 61638
care facility or an entity exempt from licensure. 61639

(2) If the department of health finds that a physician who 61640
practices at a health care facility is not complying with any 61641
provision of the Revised Code related to the obtaining of informed 61642
consent from a patient, the department shall report its finding to 61643
the state medical board, the physician, and the health care 61644
facility. 61645

(3) Division (E)(2) of this section does not create, and 61646
shall not be construed as creating, a new cause of action or 61647
substantive legal right against a health care facility and in 61648
favor of a patient who allegedly sustains harm as a result of the 61649
failure of the patient's physician to obtain informed consent from 61650
the patient prior to performing a procedure on or otherwise caring 61651
for the patient in the health care facility. 61652

(F) The rules adopted under division (B) of this section 61653
shall include all of the following: 61654

(1) Provisions governing application for, renewal, 61655
suspension, and revocation of a license under this section; 61656

(2) Provisions governing orders issued pursuant to section 61657
3702.32 of the Revised Code for a health care facility to cease 61658
its operations or to prohibit certain types of services provided 61659
by a health care facility; 61660

(3) Provisions governing the imposition under section 3702.32 61661
of the Revised Code of civil penalties for violations of this 61662
section or the rules adopted under this section, including a scale 61663
for determining the amount of the penalties; 61664

(4) Provisions specifying the form inspectors must use when 61665
conducting inspections of ambulatory surgical facilities. 61666

(G) An ambulatory surgical facility that performs or induces 61667
abortions shall comply with section 3701.791 of the Revised Code. 61668

(H) The following entities are not required to obtain a 61669
license as a freestanding diagnostic imaging center issued under 61670
this section: 61671

(1) A hospital registered under section 3701.07 of the 61672
Revised Code that provides diagnostic imaging; 61673

(2) An entity that is reviewed as part of a hospital 61674
accreditation or certification program and that provides 61675
diagnostic imaging; 61676

(3) An ambulatory surgical facility that provides diagnostic 61677
imaging in conjunction with or during any portion of a surgical 61678
procedure. 61679

Sec. 3702.31. (A) The quality monitoring and inspection fund 61680
is hereby created in the state treasury. The director of health 61681
shall use the fund to administer and enforce this section and 61682
sections ~~3702.11 to 3702.20~~, 3702.30, 3702.301, 3702.32, and 61683
3702.33 of the Revised Code and rules adopted pursuant to those 61684
sections. The director shall deposit in the fund any moneys 61685
collected pursuant to this section or section 3702.32 of the 61686

Revised Code. All investment earnings of the fund shall be 61687
credited to the fund. 61688

(B) The director of health shall adopt rules pursuant to 61689
Chapter 119. of the Revised Code establishing fees for both of the 61690
following: 61691

(1) Initial and renewal license applications submitted under 61692
section 3702.30 of the Revised Code. The fees established under 61693
division (B)(1) of this section shall not exceed the actual and 61694
necessary costs of performing the activities described in division 61695
(A) of this section. 61696

(2) Inspections conducted under section ~~3702.15~~ or 3702.30 of 61697
the Revised Code. The fees established under division (B)(2) of 61698
this section shall not exceed the actual and necessary costs 61699
incurred during an inspection, including any indirect costs 61700
incurred by the department for staff, salary, or other 61701
administrative costs. The director of health shall provide to each 61702
health care facility or provider inspected pursuant to section 61703
~~3702.15~~ or 3702.30 of the Revised Code a written statement of the 61704
fee. The statement shall itemize and total the costs incurred. 61705
Within fifteen days after receiving a statement from the director, 61706
the facility or provider shall forward the total amount of the fee 61707
to the director. 61708

(3) The fees described in divisions (B)(1) and (2) of this 61709
section shall meet both of the following requirements: 61710

(a) ~~For each service described in section 3702.11 of the~~ 61711
~~Revised Code, the fee shall not exceed one thousand seven hundred~~ 61712
~~fifty dollars annually, except that the~~ The total fees charged to 61713
a health care provider under this section shall not exceed five 61714
thousand dollars annually. 61715

(b) The fee shall exclude any costs reimbursable by the 61716
United States centers for medicare and medicaid services as part 61717

of the certification process for the medicare program established 61718
under Title XVIII of the "Social Security Act," 79 Stat. 286 61719
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 61720
established under Title XIX of the "Social Security Act," 79 Stat. 61721
286 (1965), 42 U.S.C. 1396. 61722

(4) The director shall not establish a fee for any service 61723
for which a licensure or inspection fee is paid by the health care 61724
provider to a state agency for the same or similar licensure or 61725
inspection. 61726

Sec. 3702.51. As used in sections 3702.51 to 3702.62 of the 61727
Revised Code: 61728

(A) "Applicant" means any person that submits an application 61729
for a certificate of need and who is designated in the application 61730
as the applicant. 61731

(B) "Person" means any individual, corporation, business 61732
trust, estate, firm, partnership, association, joint stock 61733
company, insurance company, government unit, or other entity. 61734

(C) "Certificate of need" means a written approval granted by 61735
the director of health to an applicant to authorize conducting a 61736
reviewable activity. 61737

(D) "Service area" means the current and projected primary 61738
and secondary service areas to which the long-term care facility 61739
is, or will be, providing long-term care services. 61740

(E) "Primary service area" means the geographic region, 61741
usually comprised of the Ohio zip code in which the long-term care 61742
facility is located and contiguous zip codes, from which 61743
approximately seventy-five to eighty per cent of the facility's 61744
residents currently originate or are expected to originate. 61745

(F) "Secondary service area" means the geographic region, 61746
usually comprised of Ohio zip codes not included in the primary 61747

service area, excluding isolated exceptions, from which the 61748
facility's remaining residents currently originate or are expected 61749
to originate. 61750

(G) "Third-party payer" means a health insuring corporation 61751
licensed under Chapter 1751. of the Revised Code, a health 61752
maintenance organization as defined in division (I) of this 61753
section, an insurance company that issues sickness and accident 61754
insurance in conformity with Chapter 3923. of the Revised Code, a 61755
state-financed health insurance program under Chapter 3701. or 61756
4123. of the Revised Code, the medicaid program, or any 61757
self-insurance plan. 61758

(H) "Government unit" means the state and any county, 61759
municipal corporation, township, or other political subdivision of 61760
the state, or any department, division, board, or other agency of 61761
the state or a political subdivision. 61762

(I) "Health maintenance organization" means a public or 61763
private organization organized under the law of any state that is 61764
qualified under section 1310(d) of Title XIII of the "Public 61765
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 61766

(J) "Existing long-term care facility" means either of the 61767
following: 61768

(1) A long-term care facility that is licensed or otherwise 61769
authorized to operate in this state in accordance with applicable 61770
law, including a county home or a county nursing home that is 61771
certified under Title XVIII or Title XIX of the "Social Security 61772
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 61773
and equipped to provide long-term care services, and is actively 61774
providing long-term care services; 61775

(2) A long-term care facility that is licensed or otherwise 61776
authorized to operate in this state in accordance with applicable 61777
law, including a county home or a county nursing home that is 61778

certified under Title XVIII or Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has beds ~~registered under section 3701.07~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds and has provided long-term care services for at least three hundred sixty-five consecutive days within the twenty-four months immediately preceding the date a certificate of need application is filed with the director of health.

(K) "State" means the state of Ohio, including, but not limited to, the general assembly, the supreme court, the offices of all elected state officers, and all departments, boards, offices, commissions, agencies, institutions, and other instrumentalities of the state of Ohio. "State" does not include political subdivisions.

(L) "Political subdivision" means a municipal corporation, township, county, school district, and all other bodies corporate and politic responsible for governmental activities only in geographic areas smaller than that of the state to which the sovereign immunity of the state attaches.

(M) "Affected person" means:

(1) An applicant for a certificate of need, including an applicant whose application was reviewed comparatively with the application in question;

(2) The person that requested the reviewability ruling in question;

(3) Any person that resides or regularly uses long-term care facilities within the service area served or to be served by the long-term care services that would be provided under the certificate of need or reviewability ruling in question;

(4) Any long-term care facility that is located in the

service area where the long-term care services would be provided 61810
under the certificate of need or reviewability ruling in question; 61811

(5) Third-party payers that reimburse long-term care 61812
facilities for services in the service area where the long-term 61813
care services would be provided under the certificate of need or 61814
reviewability ruling in question. 61815

(N) "Long-term care facility" means, except as provided in 61816
section 3702.594 of the Revised Code, any of the following: 61817

(1) A nursing home licensed under section 3721.02 of the 61818
Revised Code or by a political subdivision certified under section 61819
3721.09 of the Revised Code; 61820

(2) The portion of any facility, including a county home or 61821
county nursing home, that is certified as a skilled nursing 61822
facility or a nursing facility under Title XVIII or XIX of the 61823
"Social Security Act"; 61824

(3) The portion of any hospital that contains beds ~~registered~~ 61825
~~under section 3701.07 reported in an application submitted under~~ 61826
section 3722.03 of the Revised Code as skilled nursing beds or 61827
long-term care beds. 61828

(O) "Long-term care bed" or "bed" means a bed that is 61829
categorized as one of the following: 61830

(1) A bed that is located in a facility that is a nursing 61831
home licensed under section 3721.02 of the Revised Code or a 61832
facility licensed by a political subdivision certified under 61833
section 3721.09 of the Revised Code and is included in the 61834
authorized maximum licensed capacity of the facility; 61835

(2) A bed that is located in the portion of any facility, 61836
including a county home or county nursing home, that is certified 61837
as a skilled nursing facility under the medicare program or a 61838
nursing facility under the medicaid program and is included in the 61839

authorized maximum certified capacity of that portion of the 61840
facility; 61841

(3) A bed that is ~~registered under section 3701.07 of the~~ 61842
~~Revised Code~~ reported in an application submitted under section 61843
3722.03 of the Revised Code as a skilled nursing bed, a long-term 61844
care bed, or a special skilled nursing bed; 61845

(4) A bed in a county home or county nursing home that has 61846
been certified under section 5155.38 of the Revised Code as having 61847
been in operation on July 1, 1993, and is eligible for licensure 61848
as a nursing home bed; 61849

(5) A bed held as an approved bed under a certificate of need 61850
approved by the director. 61851

A bed cannot simultaneously be both a bed described in 61852
division (O)(1), (2), (3), or (4) of this section and a bed 61853
described in division (O)(5) of this section. 61854

(P) "Reviewability ruling" means a ruling issued by the 61855
director of health under division (A) of section 3702.52 of the 61856
Revised Code as to whether a particular proposed project is or is 61857
not a reviewable activity. 61858

(Q) "County nursing home" has the same meaning as in section 61859
5155.31 of the Revised Code. 61860

(R) "Principal participant" means both of the following: 61861

(1) A person who has an ownership or controlling interest of 61862
at least five per cent in an applicant, in a long-term care 61863
facility that is the subject of an application for a certificate 61864
of need, or in the owner or operator of the applicant or such a 61865
facility; 61866

(2) An officer, director, trustee, or general partner of an 61867
applicant, of a long-term care facility that is the subject of an 61868
application for a certificate of need, or of the owner or operator 61869

of the applicant or such a facility. 61870

(S) "Actual harm but not immediate jeopardy deficiency" means 61871
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 61872
pattern of deficiencies resulting in actual harm that is not 61873
immediate jeopardy or represents widespread deficiencies resulting 61874
in actual harm that is not immediate jeopardy. 61875

(T) "Immediate jeopardy deficiency" means a deficiency that, 61876
under 42 C.F.R. 488.404, either constitutes a pattern of 61877
deficiencies resulting in immediate jeopardy to resident health or 61878
safety or represents widespread deficiencies resulting in 61879
immediate jeopardy to resident health or safety. 61880

(U) "Existing bed" or "existing long-term care bed" means a 61881
bed from an existing long-term care facility, a bed described in 61882
division (O)(5) of this section, or a bed correctly reported as a 61883
long-term care bed pursuant to section 5155.38 of the Revised 61884
Code. 61885

Sec. 3702.52. The director of health shall administer a state 61886
certificate of need program in accordance with sections 3702.51 to 61887
3702.62 of the Revised Code and rules adopted under those 61888
sections. Administration of the program shall include both a 61889
standard review process and an expedited review process. 61890

(A) The director shall issue rulings on whether a particular 61891
proposed project is a reviewable activity. The director shall 61892
issue a ruling not later than forty-five days after receiving a 61893
request for a ruling accompanied by the information needed to make 61894
the ruling, except that if an expedited review is requested, the 61895
ruling shall be issued not later than thirty days after receiving 61896
the request for a ruling accompanied by the information needed to 61897
make the ruling. If the director does not issue a ruling in the 61898
required time, the project shall be considered to have been ruled 61899
not a reviewable activity. 61900

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division (G) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections ~~3702.11 to 3702.20~~, 3702.30, and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates of need. As part of a review, the director shall determine whether an application is complete. The director shall not consider an application to be complete unless the application meets all criteria for a complete application specified in rules adopted under section 3702.57 of the Revised Code. For an application being considered under the standard review process, the director shall mail to the applicant a written notice that the application is complete, or a written request for additional information, not later than thirty days after receiving an application or a response to an earlier request for information. For an application

for which expedited review is requested, the director's notice or 61933
request shall be mailed not later than fourteen days after the 61934
director receives the application or a response to an earlier 61935
request for information. Except as provided in section 3702.522 of 61936
the Revised Code, the director shall not make more than two 61937
requests for additional information. For either the standard or 61938
expedited review process, the director shall make a final 61939
determination regarding an application's completeness and issue a 61940
notice of the determination not later than one hundred eighty days 61941
after the date the director received the initial application. 61942

The director's determination that an application is not 61943
complete is final and not subject to appeal. 61944

(4) Except as necessary to comply with a subpoena issued 61945
under division (F) of this section, after a notice of completeness 61946
has been received, no person shall make revisions to information 61947
that was submitted to the director before the director mailed the 61948
notice of completeness or knowingly discuss in person or by 61949
telephone the merits of the application with the director. A 61950
person may supplement an application after a notice of 61951
completeness has been received by submitting clarifying 61952
information to the director. 61953

(C) All of the following apply to the process of granting or 61954
denying a certificate of need: 61955

(1) If the project proposed in a certificate of need 61956
application meets all of the applicable certificate of need 61957
criteria for approval under sections 3702.51 to 3702.62 of the 61958
Revised Code and the rules adopted under those sections, the 61959
director shall grant a certificate of need for all or part of the 61960
project that is the subject of the application by the applicable 61961
deadline specified in division (C)(4) of this section or any 61962
extension of it under division (C)(5) of this section. 61963

(2) The director's grant of a certificate of need does not affect, and sets no precedent for, the director's decision to grant or deny other applications for similar reviewable activities.

(3) Any affected person may submit written comments regarding an application. The director shall consider all written comments received by the forty-fifth day after the application is submitted to the director, except that to be considered in an expedited review, written comments must be received by the twenty-first day after the application is submitted.

(4) Except as provided in division (C)(5) of this section, the director shall grant or deny certificate of need applications not later than sixty days after mailing the notice of completeness unless the application is receiving expedited review. If the application is receiving expedited review, the director shall grant or deny the application not later than forty-five days after mailing the notice of completeness.

(5) Except as provided in division (C)(6) of this section, the director or the applicant may extend the deadline prescribed in division (C)(4) of this section once, for no longer than thirty days, by written notice before the end of the deadline prescribed by division (C)(4) of this section. An extension by the director under division (C)(5) of this section shall apply to all applications that are in comparative review.

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall

specify as the maximum capital expenditure the certificate holder 61995
may obligate under the certificate a figure equal to one hundred 61996
ten per cent of the approved project cost. 61997

(9) In granting a certificate of need, the director may grant 61998
the certificate with conditions that must be met by the holder of 61999
the certificate. 62000

(D) When a certificate of need is granted for a project under 62001
which beds are to be relocated, upon completion of the project for 62002
which the certificate of need was granted a number of beds equal 62003
to the number of beds relocated shall cease to be operated in the 62004
long-term care facility from which they are relocated, except that 62005
the beds may continue to be operated for not more than fifteen 62006
days to allow relocation of residents to the facility to which the 62007
beds have been relocated. Notwithstanding section 3721.03 of the 62008
Revised Code, if the relocated beds are in a home licensed under 62009
Chapter 3721. of the Revised Code, the facility's license is 62010
automatically reduced by the number of beds relocated effective 62011
fifteen days after the beds are relocated. If the beds are in a 62012
facility that is certified as a skilled nursing facility or 62013
nursing facility under Title XVIII or XIX of the "Social Security 62014
Act," the certification for the beds shall be surrendered. If the 62015
beds are ~~registered under section 3701.07~~ reported in an 62016
application submitted under section 3722.03 of the Revised Code as 62017
skilled nursing beds or long-term care beds, the director shall 62018
remove the beds from registration not later than fifteen days 62019
after the beds are relocated. 62020

(E) During the period beginning with the granting of a 62021
certificate of need and ending five years after implementation of 62022
the reviewable activity for which the certificate was granted, the 62023
director shall monitor the activities of the person granted the 62024
certificate to determine whether the reviewable activity is 62025
conducted in substantial accordance with the certificate. A 62026

reviewable activity shall not be determined to be not in 62027
substantial accordance with the certificate of need solely because 62028
of either of the following: 62029

(1) A decrease in bed capacity; 62030

(2) A change in the owner or operator of the facility unless 62031
any of the circumstances specified in division (B) of section 62032
3702.59 of the Revised Code apply to the new owner or operator. 62033

(F) When reviewing applications for certificates of need, 62034
considering appeals under section 3702.60 of the Revised Code, or 62035
monitoring activities of persons granted certificates of need, the 62036
director may issue and enforce, in the manner provided in section 62037
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 62038
compel a person to testify and produce documents relevant to 62039
review of the application, consideration of the appeal, or 62040
monitoring of the activities. In addition, the director or the 62041
director's designee may visit the sites where the activities are 62042
or will be conducted. 62043

(G) The director may withdraw certificates of need. 62044

(H) All long-term care facilities shall submit to the 62045
director, upon request, any information prescribed by rules 62046
adopted under division (H) of section 3702.57 of the Revised Code 62047
that is necessary to conduct reviews of certificate of need 62048
applications and to develop criteria for reviews. 62049

(I) Any decision to grant or deny a certificate of need shall 62050
consider the special needs and circumstances resulting from moral 62051
and ethical values and the free exercise of religious rights of 62052
long-term care facilities administered by religious organizations, 62053
and the special needs and circumstances of inner city and rural 62054
communities. 62055

Sec. 3702.521. (A) Reviews of applications for certificates 62056

of need to recategorize hospital beds to skilled nursing beds 62057
shall be conducted in accordance with this division and rules 62058
adopted by the director of health. 62059

(1) No hospital recategorizing beds shall apply for a 62060
certificate of need for more than twenty skilled nursing beds. 62061

(2) No beds for which a certificate of need is requested 62062
under this division shall be reviewed under or counted in any 62063
formula developed under rules adopted by the director for the 62064
purpose of determining the number of long-term care beds that may 62065
be needed within the state. 62066

(3) No beds shall be approved under this division unless the 62067
hospital certifies and demonstrates in the application that the 62068
beds will be dedicated to patients with a length of stay of no 62069
more than thirty days. 62070

(4) No beds shall be approved under this division unless the 62071
hospital can satisfactorily demonstrate in the application that it 62072
is routinely unable to place the patients planned for the beds in 62073
accessible skilled nursing facilities. 62074

(5) In developing rules to implement this division, the 62075
director shall give special attention to the required 62076
documentation of the need for such beds, including the efforts 62077
made by the hospital to place patients in suitable skilled nursing 62078
facilities, and special attention to the appropriate size of units 62079
with such beds given the historical pattern of the applicant 62080
hospital's documented difficulty in placing skilled nursing 62081
patients. 62082

(B) For assistance in monitoring the use of hospital beds 62083
recategorized as skilled nursing beds after August 5, 1989, the 62084
director shall adopt rules specifying appropriate quarterly 62085
procedures for reporting to the department of health. 62086

(C) A patient may stay in a hospital bed that, after August 62087

5, 1989, has been recategorized as a skilled nursing bed for more than thirty days if the hospital is able to demonstrate that it made a good faith effort to place the patient in an accessible skilled nursing facility acceptable to the patient within the thirty-day period, but was unable to do so.

(D) No hospital bed recategorized after August 5, 1989, as a skilled nursing bed shall be covered by a provider agreement under the medicaid program.

(E) Nothing in this section requires a hospital to place a patient in any nursing home if the patient does not wish to be placed in the nursing home. Nothing in this section limits the ability of a hospital to file a certificate of need application for the addition of long-term care beds that meet the definition of "home" in section 3721.01 of the Revised Code. Nothing in this section limits the ability of the director to grant certificates of need necessary for hospitals to engage in demonstration projects authorized by the federal government for the purpose of enhancing long-term quality of care and cost containment. Nothing in this section limits the ability of hospitals to develop swing bed programs in accordance with federal regulations.

No hospital that is granted a certificate of need after August 5, 1989, to recategorize hospital beds as skilled nursing beds is subject to sections 3721.01 to 3721.09 of the Revised Code. If the portion of the hospital in which the recategorized beds are located is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, that portion of the hospital is subject to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of the Revised Code. If the beds are ~~registered pursuant to section 3701.07 of the Revised Code~~ reported in an application submitted under section 3722.03 of the Revised Code as long-term care beds, the beds are subject to sections 5168.40 to 5168.56 of the Revised

Code. 62120

Sec. 3702.55. A person that the director of health determines 62121
has violated section 3702.53 of the Revised Code shall cease 62122
conducting the activity that constitutes the violation or 62123
utilizing the facility resulting from the violation not later than 62124
thirty days after the person receives the notice mailed under 62125
section 3702.532 of the Revised Code or, if the person appeals the 62126
director's determination under section 3702.60 of the Revised 62127
Code, thirty days after the person receives an order upholding the 62128
director's determination that is not subject to further appeal. 62129

If any person determined to have violated section 3702.53 of 62130
the Revised Code fails to cease conducting an activity or using a 62131
facility as required by this section or if the person continues to 62132
seek payment or reimbursement for services rendered or costs 62133
incurred in conducting the activity as prohibited by section 62134
3702.56 of the Revised Code, in addition to the penalties imposed 62135
under section 3702.54 or 3702.541 of the Revised Code: 62136

~~(A) The director of health may refuse to include any beds 62137
involved in the activity in the bed capacity of a hospital for 62138
purposes of registration under section 3701.07 of the Revised 62139
Code: 62140~~

~~(B)~~ The director of health may refuse to license, or may 62141
revoke a license or reduce bed capacity previously granted to, a 62142
hospice care program under section 3712.04 of the Revised Code; a 62143
nursing home, residential care facility, or home for the aging 62144
under section 3721.02 of the Revised Code; or any beds within any 62145
of those facilities that are involved in the activity; 62146

~~(C)~~(B) A political subdivision certified under section 62147
3721.09 of the Revised Code may refuse to license, or may revoke a 62148
license or reduce bed capacity previously granted to, a nursing 62149
home, residential care facility, or home for the aging, or any 62150

beds within any of those facilities that are involved in the 62151
activity; 62152

~~(D)~~(C) The director of mental health and addiction services 62153
may refuse to license under section 5119.33 of the Revised Code, 62154
or may revoke a license or reduce bed capacity previously granted 62155
to, a hospital receiving mentally ill persons or beds within such 62156
a hospital that are involved in the activity; 62157

~~(E)~~(D) The department of medicaid may refuse to enter into a 62158
provider agreement that includes a facility, beds, or services 62159
that result from the activity. 62160

Sec. 3702.592. (A) The director of health shall accept, for 62161
review under section 3702.52 of the Revised Code, certificate of 62162
need applications for any of the following purposes if the 62163
proposed increase in beds is attributable to a replacement or 62164
relocation of existing beds from an existing long-term care 62165
facility within the same county: 62166

(1) Approval of beds in a new long-term care facility or an 62167
increase of beds in an existing long-term care facility if the 62168
beds are proposed to be licensed as nursing home beds under 62169
Chapter 3721. of the Revised Code; 62170

(2) Approval of beds in a new county home or new county 62171
nursing home, or an increase of beds in an existing county home or 62172
existing county nursing home if the beds are proposed to be 62173
certified as skilled nursing facility beds under the medicare 62174
program, Title XVIII of the "Social Security Act," 49 Stat. 286 62175
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 62176
the medicaid program, Title XIX of the "Social Security Act," 49 62177
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 62178

(3) An increase of hospital beds ~~registered pursuant to~~ 62179
~~section 3701.07 of the Revised Code~~ reported in an application 62180

submitted under section 3722.03 of the Revised Code as long-term 62181
care beds; 62182

(4) An increase of hospital beds ~~registered pursuant to~~ 62183
~~section 3701.07 of the Revised Code~~ reported in an application 62184
submitted under section 3722.03 of the Revised Code as special 62185
skilled nursing beds that were originally authorized by and are 62186
operated in accordance with section 3702.521 of the Revised Code. 62187

(B) The director shall accept applications described in 62188
division (A) of this section at any time. 62189

Sec. 3702.593. (A) At the times specified in this section, 62190
the director of health shall accept, for review under section 62191
3702.52 of the Revised Code, certificate of need applications for 62192
any of the following purposes if the proposed increase in beds is 62193
attributable solely to relocation of existing beds from an 62194
existing long-term care facility in a county with excess beds to a 62195
long-term care facility in a county in which there are fewer 62196
long-term care beds than the county's bed need: 62197

(1) Approval of beds in a new long-term care facility or an 62198
increase of beds in an existing long-term care facility if the 62199
beds are proposed to be licensed as nursing home beds under 62200
Chapter 3721. of the Revised Code; 62201

(2) Approval of beds in a new county home or new county 62202
nursing home, or an increase of beds in an existing county home or 62203
existing county nursing home if the beds are proposed to be 62204
certified as skilled nursing facility beds under the medicare 62205
program, Title XVIII of the "Social Security Act," 49 Stat. 286 62206
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 62207
the medicaid program, Title XIX of the "Social Security Act," 49 62208
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 62209

(3) An increase of hospital beds ~~registered pursuant to~~ 62210

~~section 3701.07 of the Revised Code reported in an application~~ 62211
~~submitted under section 3722.03 of the Revised Code~~ as long-term 62212
care beds. 62213

(B) For the purpose of implementing this section, the 62214
director shall do all of the following: 62215

(1) Not later than October 1, 2023, and every four years 62216
thereafter, determine the long-term care bed supply for each 62217
county, which shall consist of all of the following: 62218

(a) Nursing home beds licensed under Chapter 3721. of the 62219
Revised Code; 62220

(b) Beds certified as skilled nursing facility beds under the 62221
medicare program or nursing facility beds under the medicaid 62222
program; 62223

(c) Beds in any portion of a hospital that are properly 62224
~~registered under section 3701.07 reported in an application~~ 62225
~~submitted under section 3722.03~~ of the Revised Code as skilled 62226
nursing beds, long-term care beds, or special skilled nursing 62227
beds; 62228

(d) Beds in a county home or county nursing home that are 62229
certified under section 5155.38 of the Revised Code as having been 62230
in operation on July 1, 1993, and are eligible for licensure as 62231
nursing home beds; 62232

(e) Beds described in division (O)(5) of section 3702.51 of 62233
the Revised Code. 62234

(2) Determine the long-term care bed occupancy rate for the 62235
state at the time the determination is made; 62236

(3) For each county, determine the county's bed need by 62237
identifying the number of long-term care beds that would be needed 62238
in the county in order for the statewide occupancy rate for a 62239
projected population aged sixty-five and older to be ninety per 62240

cent. 62241

In determining each county's bed need, the director shall use 62242
the formula developed in rules adopted under section 3702.57 of 62243
the Revised Code. A determination shall be made not later than 62244
October 1, 2023, and every four years thereafter. After each 62245
determination is made, the director shall publish the county's bed 62246
need on the web site maintained by the department of health. 62247

(C) The director's consideration of an application for a 62248
certificate of need that would increase the number of beds in a 62249
county shall be consistent with the county's bed need determined 62250
under division (B) of this section except as follows: 62251

(1) If a county's occupancy rate is less than eighty-five per 62252
cent, the county shall be considered to have no need for 62253
additional beds. 62254

(2) Even if a county is determined not to need any additional 62255
long-term care beds, the director may approve an increase in beds 62256
equal to up to ten per cent of the county's bed supply if the 62257
county's occupancy rate is greater than ninety per cent. 62258

(D)(1) For the review process used in considering certificate 62259
of need applications, the director shall establish a review period 62260
that begins January 1, 2020, and ends December 31, 2023. 62261
Thereafter, the review period for each review process shall begin 62262
on the first day of January following the end of the previous 62263
review period and shall be four years. 62264

(2) Certificate of need applications shall be accepted during 62265
the first month of the review period and reviewed through the 62266
thirtieth day of September of the year in which the review period 62267
begins. 62268

(E) The director shall consider certificate of need 62269
applications in accordance with all of the following: 62270

(1) The number of beds approved for a county shall include only beds available for relocation from another county and shall not exceed the bed need of the receiving county;

(2) The director shall consider the existence of community resources serving persons who are age sixty-five or older or disabled that are demonstrably effective in providing alternatives to long-term care facility placement.

(3) The director shall approve relocation of beds from a county only if, after the relocation, the number of beds remaining in the county will exceed the county's bed need by at least one hundred beds;

(4) The director shall approve relocation of beds from a long-term care facility only if, after the relocation, the number of beds in the facility's service area is at least equal to the state bed need rate. For purposes of this division, a facility's service area shall be either of the following:

(a) The census tract in which the facility is located, if the facility is located in an area designated by the United States secretary of health and human services as a health professional shortage area under the "Public Health Service Act," 88 Stat. 682 (1944), 42 U.S.C. 254(e), as amended;

(b) The area that is within a fifteen-mile radius of the facility's location, if the facility is not located in a health professional shortage area.

(F) Applications made under this section are subject to comparative review if two or more applications are submitted during the same review period and any of the following applies:

(1) The applications propose to relocate beds from the same county and the number of beds for which certificates of need are being requested totals more than the number of beds available in the county from which the beds are to be relocated.

(2) The applications propose to relocate beds to the same 62302
county and the number of beds for which certificates of need are 62303
being requested totals more than the number of beds needed in the 62304
county to which the beds are to be relocated. 62305

(3) The applications propose to relocate beds from the same 62306
service area and the number of beds left in the service area from 62307
which the beds are being relocated would be less than the state 62308
bed need rate determined by the director. 62309

(G) In determining which applicants should receive preference 62310
in the comparative review process, the director shall consider all 62311
of the following as weighted priorities: 62312

(1) Whether the beds will be part of a continuing care 62313
retirement community; 62314

(2) Whether the beds will serve an underserved population, 62315
such as low-income individuals, individuals with disabilities, or 62316
individuals who are members of racial or ethnic minority groups; 62317

(3) Whether the project in which the beds will be included 62318
will provide alternatives to institutional care, such as adult 62319
day-care, home health care, respite or hospice care, mobile meals, 62320
residential care, independent living, or congregate living 62321
services; 62322

(4) Whether the long-term care facility's owner or operator 62323
will participate in medicaid waiver programs for alternatives to 62324
institutional care; 62325

(5) Whether the project in which the beds will be included 62326
will reduce alternatives to institutional care by converting 62327
residential care beds or other alternative care beds to long-term 62328
care beds; 62329

(6) Whether the facility in which the beds will be placed has 62330
positive resident and family satisfaction surveys; 62331

(7) Whether the facility in which the beds will be placed has fewer than fifty long-term care beds; 62332
62333

(8) Whether the long-term care facility in which the beds will be placed is located within the service area of a hospital and is designed to accept patients for rehabilitation after an in-patient hospital stay; 62334
62335
62336
62337

(9) Whether the long-term care facility in which the beds will be placed is or proposes to become a nurse aide training and testing site; 62338
62339
62340

(10) The rating, under the centers for medicare and medicaid services' five star nursing home quality rating system, of the long-term care facility in which the beds will be placed. 62341
62342
62343

(H) A person who has submitted an application under this section that is not subject to comparative review may revise the site of the proposed project pursuant to section 3702.522 of the Revised Code. 62344
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(I) When a certificate of need application is approved, in addition to the actions required by division (D) of section 3702.52 of the Revised Code, the long-term care facility from which the beds were relocated shall reduce the number of beds operated in the facility by a number of beds equal to at least ten per cent of the number of beds relocated. If these beds are in a home licensed under Chapter 3721. of the Revised Code, the long-term care facility shall have the beds removed from the license. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the facility shall surrender the certification of these beds. If the beds are ~~registered~~ reported in an application submitted under section 3722.03 of the Revised Code as skilled nursing beds or long-term care beds ~~under section 3701.07 of the Revised Code~~, the long-term care facility shall 62348
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surrender the registration for these beds. This reduction shall be 62363
made not later than the completion date of the project for which 62364
the beds were relocated. 62365

Sec. 3705.30. (A) As used in this section: 62366

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 62367
~~section 3702.141 of the Revised Code~~ has the same meaning as in 62368
section 3701.503 of the Revised Code. 62369

(2) "Hospital" ~~means a hospital classified under section~~ 62370
~~3701.07 of the Revised Code as a general hospital or children's~~ 62371
~~hospital~~ has the same meaning as in section 3722.01 of the Revised 62372
Code. 62373

(3) "Physician" means an individual authorized under Chapter 62374
4731. of the Revised Code to practice medicine and surgery or 62375
osteopathic medicine and surgery. 62376

(B) The director of health shall establish and, if funds for 62377
this purpose are available, implement a statewide birth defects 62378
information system for the collection of information concerning 62379
congenital anomalies, stillbirths, and abnormal conditions of 62380
newborns. 62381

(C) If the system is implemented under division (B) of this 62382
section, all of the following apply: 62383

(1) The director may require each physician, hospital, and 62384
freestanding birthing center to report to the system information 62385
concerning all patients under five years of age with a primary 62386
diagnosis of a congenital anomaly or abnormal condition. The 62387
director shall not require a hospital, freestanding birthing 62388
center, or physician to report to the system any information that 62389
is reported to the director or department of health under another 62390
provision of the Revised Code or Administrative Code. 62391

(2) On request, each physician, hospital, and freestanding 62392

birthing center shall give the director or authorized employees of 62393
the department of health access to the medical records of any 62394
patient described in division (C)(1) of this section. The 62395
department shall pay the costs of copying any medical records 62396
pursuant to this division. 62397

(3) The director may review vital statistics records and 62398
shall consider expanding the list of congenital anomalies and 62399
abnormal conditions of newborns reported on birth certificates 62400
pursuant to section 3705.08 of the Revised Code. 62401

(D) A physician, hospital, or freestanding birthing center 62402
that provides information to the system under division (C) of this 62403
section shall not be subject to criminal or civil liability for 62404
providing the information. 62405

Sec. 3705.41. (A) As used in this section: 62406

(1) "Freestanding birthing center" ~~has the same meaning as in~~ 62407
~~section 3702.141 of the Revised Code~~ has the same meaning as in 62408
section 3701.503 of the Revised Code. 62409

(2) "Funeral services worker" means a person licensed as a 62410
funeral director or embalmer under Chapter 4717. of the Revised 62411
Code or an individual responsible for the direct final disposition 62412
of a deceased person. 62413

(3) "Hospital" ~~means a hospital classified pursuant to rules~~ 62414
~~adopted under section 3701.07 of the Revised Code as a general~~ 62415
~~hospital or children's hospital and to which either of the~~ 62416
~~following applies:~~ 62417

~~(a) The hospital has a maternity unit.~~ 62418

~~(b) The hospital receives for care infants who have been~~ 62419
~~transferred to it from other facilities and who have never been~~ 62420
~~discharged to their residences following birth~~ has the same 62421
meaning as in section 3722.01 of the Revised Code. 62422

~~(4) "Maternity unit" means the distinct portion of a hospital licensed as a maternity unit under Chapter 3711. of the Revised Code.~~

(B) At least annually, the state registrar shall offer to provide training for appropriate staff of hospitals and freestanding birthing centers, as well as funeral services workers, on their responsibilities under the laws of this state and any rules adopted pursuant to those laws pertaining to vital records. If provided, the training shall cover correct data entry procedures and time limits for reporting vital statistics information for the purpose of ensuring accuracy and consistency of the system of vital statistics.

Sec. 3711.01. As used in this chapter:

(A) "Board of health" means a board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Maternity home" means a facility for pregnant girls and women where accommodations, medical care, and social services are provided during the prenatal and postpartal periods. "Maternity home" does not include a private residence where obstetric or newborn services are received by a resident of the home.

~~(C) "Maternity unit" means a distinct portion of a hospital in which inpatient care is provided to women during all or part of the maternity cycle.~~

~~(D) "Newborn care nursery" means a distinct portion of a hospital in which inpatient care is provided to infants. "Newborn care nursery" includes a distinct portion of a hospital in which intensive care is provided to infants.~~

Sec. 3711.02. (A) Except as provided in division (B) of this section, no person shall operate ~~any of the following, a maternity~~

home unless the person holds the appropriate license issued under 62453
this chapter and the license is valid+ 62454

~~(1) A maternity unit;~~ 62455

~~(2) A newborn care nursery;~~ 62456

~~(3) A maternity home.~~ 62457

(B) Division (A) of this section does not apply to a health 62458
care facility, as defined in section 3702.30 of the Revised Code. 62459

Sec. 3711.04. Each person seeking to operate a ~~maternity~~ 62460
~~unit, newborn care nursery, or~~ maternity home shall apply to the 62461
director of health for a license under this chapter. The 62462
application shall be submitted in the form and manner prescribed 62463
by the director in rules adopted under section 3711.12 of the 62464
Revised Code. 62465

~~A single application and license is required if an applicant~~ 62466
~~will operate both a maternity unit and newborn care nursery.~~ 62467

Sec. 3711.05. (A) The director of health shall review all 62468
applications received under section 3711.04 of the Revised Code. 62469
On receipt of a complete application, the director shall send a 62470
copy of the application to the board of health of the city or 62471
general health district in which the ~~maternity unit, newborn care~~ 62472
~~nursery, or~~ maternity home is to be operated. 62473

Unless the board finds that an applicant is not in compliance 62474
with an applicable health regulation adopted by the board, the 62475
board shall approve the application. The board shall notify the 62476
director of its determination to approve or disapprove the 62477
application. If the board does not notify the director of its 62478
determination by the end of the thirtieth day after the board 62479
receives the copy of the application, the application is deemed to 62480
have been approved by the board. 62481

(B) The director shall issue a license to an applicant if all of the following requirements are met:

(1) The board of health approves the application or the application is deemed to have been approved;

(2) The applicant meets the standards specified in rules adopted under section 3711.12 of the Revised Code;

(3) The applicant passes the inspection required by section 3711.06 of the Revised Code.

(C) On issuance of a license, the director shall notify the board of health to which the application was sent under division (A) of this section. In the notice, the director shall specify the terms that apply to the license.

Sec. 3711.06. The director of health shall inspect each ~~maternity unit, newborn care nursery, or~~ maternity home for which a person has applied for an initial license under section 3711.04 of the Revised Code prior to issuing the license. Inspections shall be conducted in accordance with inspection criteria, procedures, and guidelines adopted by the director under section 3711.12 of the Revised Code.

Sec. 3711.10. The director of health shall monitor compliance with this chapter and the rules adopted under it. The director may conduct inspections of a ~~maternity unit, newborn care nursery, or~~ maternity home as necessary to adequately monitor compliance with this chapter and the rules adopted under it. The inspections may be scheduled or random.

The board of health of the city or general health district in which a ~~maternity unit, newborn care nursery, or~~ maternity home is located may conduct inspections of the ~~unit, nursery, or~~ home as necessary to adequately monitor compliance with any applicable health regulation adopted by the board. The inspections may be

scheduled or random. 62512

Sec. 3711.12. (A) The director of health shall adopt rules in 62513
accordance with Chapter 119. of the Revised Code as the director 62514
considers necessary to implement the requirements of this chapter 62515
for licensure and operation of ~~maternity units, newborn care~~ 62516
~~nurseries, and~~ maternity homes. The rules shall include provisions 62517
for the following: 62518

(1) Licensure application forms and procedures; 62519

(2) Renewal procedures, including procedures that address the 62520
right of the director of health, at the director's sole 62521
discretion, to conduct an inspection prior to renewal of a 62522
license; 62523

(3) Initial license fees and license renewal fees; 62524

(4) Fees for inspections conducted by the director under 62525
section 3711.10 of the Revised Code; 62526

(5) Safety standards, quality-of-care standards, and 62527
quality-of-care data reporting requirements; 62528

(6) Reporting and auditing requirements; 62529

(7) Inspection criteria, procedures, and guidelines; 62530

(8) Application forms to be used and procedures to be 62531
followed in applying under section 3711.13 of the Revised Code for 62532
a variance or waiver of any of the requirements of the rules 62533
adopted under this section regarding the operation of a maternity 62534
home; 62535

(9) Any other rules necessary to implement this chapter. 62536

(B) When adopting rules under this section, the director 62537
shall give consideration to recommendations regarding obstetric 62538
and newborn care issued by the American college of obstetricians 62539
and gynecologists; American academy of pediatrics; American 62540

academy of family physicians; American society of 62541
anesthesiologists; American college of nurse-midwives; United 62542
States centers for disease control and prevention; association of 62543
women's health, obstetric and neonatal nurses; and association of 62544
perioperative registered nurses, or their successor organizations. 62545

Sec. 3711.14. (A) In accordance with Chapter 119. of the 62546
Revised Code, the director of health may do any of the following: 62547

(1) Impose a civil penalty of not less than one thousand 62548
dollars and not more than two hundred fifty thousand dollars on a 62549
person who violates a provision of this chapter or the rules 62550
adopted under it; 62551

(2) Summarily suspend, in accordance with division (B) of 62552
this section, a license issued under this chapter if the director 62553
believes there is clear and convincing evidence that the continued 62554
operation of a ~~maternity unit, newborn care nursery, or~~ maternity 62555
home presents a danger of immediate and serious harm to the 62556
public; 62557

(3) Revoke a license issued under this chapter if the 62558
director determines that a violation of a provision of this 62559
chapter or the rules adopted under it has occurred in such a 62560
manner as to pose an imminent threat of serious physical or 62561
life-threatening danger. 62562

(B) If the director suspends a license under division (A)(2) 62563
of this section, the director shall issue a written order of 62564
suspension and cause it to be delivered by certified mail or in 62565
person in accordance with section 119.07 of the Revised Code. The 62566
order shall not be subject to suspension by the court while an 62567
appeal filed under section 119.12 of the Revised Code is pending. 62568
If the individual subject to the suspension requests an 62569
adjudication, the date set for the adjudication shall be within 62570
fifteen days but not earlier than seven days after the individual 62571

makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a ~~maternity unit, newborn care nursery, or~~ maternity home, the director may ask the attorney general to apply to the court of common pleas of the county in which the person is located for an order enjoining the person from operating the ~~unit, nursery, or~~ home. The court shall grant the order on a showing that the person is operating the ~~unit, nursery, or~~ home.

Sec. 3711.30. (A) As used in this section, "opioid" means ~~opium, opium derivatives, and synthetic opium substitutes~~ an opioid analgesic as defined in section 3719.01 of the Revised Code.

(B) Each ~~maternity unit, newborn care nursery, and~~ maternity home shall report to the department of health the number of newborns born to residents of this state in the ~~unit, nursery, or~~ home during the preceding calendar quarter that were diagnosed as opioid dependent at birth. The reports shall be submitted not later than thirty days after the end of each quarter and shall not include any patient-identifying information.

(C) The department shall establish standards and procedures

for reporting the information required by this section. The 62603
information reported under this section shall not be used for law 62604
enforcement purposes or disclosed to law enforcement authorities. 62605

(D) The department shall compile the information submitted 62606
under this section and make a summary of that information 62607
available to the public not later than ninety days after the end 62608
of each calendar year. 62609

Sec. 3722.01. As used in this chapter: 62610

(A) "Children's hospital" means either of the following: 62611

(1) A hospital that provides general pediatric medical and 62612
surgical care in which at least seventy-five per cent of annual 62613
inpatient discharges for the preceding two calendar years were 62614
individuals less than eighteen years of age; 62615

(2) A distinct portion of a hospital that provides general 62616
pediatric medical and surgical care in which at least seventy-five 62617
per cent of annual inpatient discharges for the preceding two 62618
calendar years were individuals less than eighteen years of age. 62619

(B) "Health care service" means any of the following: 62620

(1) Pediatric intensive care; 62621

(2) Solid organ and bone marrow transplantation; 62622

(3) Stem cell harvesting and reinfusion; 62623

(4) Cardiac catheterization; 62624

(5) Open heart surgery; 62625

(6) Operation of linear accelerators; 62626

(7) Operation of cobalt radiation therapy units; 62627

(8) Operation of gamma knives. 62628

(C) "Hospital" means an institution or facility that provides 62629
inpatient medical or surgical services for a continuous period 62630

longer than twenty-four hours. "Hospital" includes a children's hospital. 62631
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(D) "Political subdivision" means a county, township, municipal corporation, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state. 62633
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(E) "State university" has the same meaning as in section 3345.12 of the Revised Code. 62637
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Sec. 3722.02. (A) It is the intent of the General Assembly in enacting Chapter 3722. of the Revised Code to require each hospital operating in this state to be licensed by the director of health. Beginning on the date that is three years after the effective date of this section, any reference to a hospital contained in the Revised Code in a chapter other than Chapter 3722. of the Revised Code shall be construed to mean a hospital licensed under Chapter 3722. of the Revised Code. 62639
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(B) Beginning on the date that is three years after the effective date of this section, no person and no political subdivision, agency, or instrumentality of this state shall operate a hospital without holding a license issued by the director of health under section 3722.03 of the Revised Code. 62647
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(C) Division (A) of this section does not apply to any of the following: 62652
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(1) A hospital operated by the federal government; 62654

(2) An ambulatory surgical facility or other health care facility licensed as described in section 3702.30 of the Revised Code; 62655
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(3) A nursing home or residential care facility licensed under Chapter 3721. of the Revised Code; 62658
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(4) A hospital or inpatient unit licensed under section 62660

<u>5119.33 of the Revised Code;</u>	62661
<u>(5) A residential facility as defined in section 5119.34 of the Revised Code;</u>	62662
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<u>(6) A residential facility as defined in section 5123.19 of the Revised Code;</u>	62664
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<u>(7) A community addiction services provider as defined in section 5119.01 of the Revised Code;</u>	62666
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<u>(8) A facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;</u>	62668
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<u>(9) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and that is used exclusively for the care of hospice patients;</u>	62671
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<u>(10) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code and that is used exclusively for the care of pediatric respite care patients;</u>	62674
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<u>(11) The site where a health care practice is operated, regardless of whether the practice is organized as an individual or group practice;</u>	62677
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<u>(12) A clinic providing ambulatory patient services where patients are not regularly admitted as inpatients;</u>	62680
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<u>(13) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the Internal Revenue Code of 1986, 26 U.S.C. 1, and providing twenty-four-hour nursing care pursuant to the exemption from the licensing requirements of Chapter 4723. of the Revised Code described in division (E) of section 4723.32 of the Revised Code.</u>	62682
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(D)(1) If the director of health determines that a hospital is operating without a license in violation of this section, the director shall do any of the following: 62691
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(a) Notify the hospital that it is operating without a license and provide it with an opportunity to apply for licensure, but only within the thirty-day period beginning on the date the hospital received the director's notice; 62694
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(b) Direct the hospital to cease operations; 62698

(c) Impose a civil penalty of not more than two hundred fifty thousand dollars; 62699
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(d) In addition to the penalty described in division (D)(1)(c) of this section, impose a penalty of not less than one thousand dollars and not more than ten thousand dollars for each day the hospital operates without a license. 62701
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(2) If the hospital described in division (D)(1) of this section continues to operate without a license, the director may petition the court of common pleas of the county in which the hospital is located for an order enjoining the hospital from operating. 62705
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Sec. 3722.03. (A) Subject to division (D) of this section, each person or political subdivision, agency, or instrumentality of this state, including a state university, seeking to operate a hospital shall apply to the director of health for a license to operate a hospital. 62710
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The director of health shall not consider any application for licensure until the date that is one year after the effective date of this section. An application shall be submitted in the form and manner prescribed by the director in rules adopted under section 3722.06 of the Revised Code. 62715
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(B) To be eligible for a license, an applicant must satisfy 62720

all of the following: 62721

(1) Have submitted a complete application, which includes identifying the main hospital location and any location operated by the hospital pursuant to 42 C.F.R. 413.65 and paying the fee specified in rules adopted under section 3722.06 of the Revised Code; 62722
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(2) Be certified under Title XVIII of the "Social Security Act," 42 U.S.C. 1395aa, or accredited by a national accrediting organization approved by the federal centers for medicare and medicaid services in accordance with 42 U.S.C. 1395bb(a), or, in the case of a new hospital, eligible under rules adopted under section 3722.06 of the Revised Code; 62727
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(3) Demonstrate the ability to comply with standards established in rules adopted under section 3722.06 of the Revised Code; 62733
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(4) Specify the number of beds for the hospital, including skilled nursing beds, long-term care beds, and special skilled nursing beds. 62736
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(C)(1) If the applicant satisfies the requirements described in division (B) of this section, the director shall issue to the applicant a license to operate a hospital. 62739
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(2) A license issued under this section is valid for a three-year period unless revoked or suspended. A license expires on the date that is three years from the date of issuance and may be renewed for additional three-year periods. Applications for renewal shall be submitted to the director in a manner prescribed in rules adopted under section 3722.06 of the Revised Code. 62742
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(3) Both of the following apply to a license issued under this section: 62748
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(a) The license is valid only for the hospital identified in 62750

the application. 62751

(b) The license holder shall post a copy of the license in a 62752
conspicuous place in the hospital. 62753

Sec. 3722.04. If a hospital licensed under this chapter is 62754
assigned, sold, or transferred to a new owner, within thirty days 62755
of the assignment, sale, or transfer, the new owner shall apply to 62756
the director of health for a license transfer. The application 62757
shall be submitted to the director in the form and manner 62758
prescribed in rules adopted under section 3722.06 of the Revised 62759
Code. 62760

The new owner is responsible for compliance with any action 62761
taken or proposed by the director under section 3722.07 or 3722.08 62762
of the Revised Code. If a notice has been issued under section 62763
119.07 of the Revised Code, the new owner becomes party to the 62764
notice. 62765

Sec. 3722.05. (A) Upon the filing of an initial application 62766
for licensure under section 3722.03 of the Revised Code, the 62767
director of health may inspect the hospital prior to issuing or 62768
denying the applicant a license to operate a hospital. An 62769
applicant may avoid such an inspection if the applicant submits 62770
with the application a copy of the hospital's most recent on-site 62771
survey report from the federal centers for medicare and medicaid 62772
services or an accrediting organization approved under 42 U.S.C. 62773
1395bb(a) demonstrating that the hospital is certified or 62774
accredited. 62775

(B) When filing an application to renew a license issued 62776
under section 3722.03 of the Revised Code, an applicant may avoid 62777
an inspection by the director if the applicant submits with the 62778
application a copy of the hospital's most recent on-site survey 62779
report from the federal centers for medicare and medicaid services 62780

or an accrediting organization approved under 42 U.S.C. 1395bb(a) 62781
demonstrating that the hospital is certified or accredited. 62782

(C) For purposes of this section, an on-site survey report 62783
from an accrediting body submitted in accordance with this section 62784
is confidential and is not a public record under section 149.43 of 62785
the Revised Code. 62786

(D) At least once every thirty-six months, the director shall 62787
inspect each licensed hospital's maternity unit, newborn care 62788
nursery, and any unit providing health care services. 62789

(E) The director may at any time inspect a licensed hospital 62790
in order to address an incident that may impact public health, 62791
respond to a complaint submitted to the director, or otherwise 62792
ensure the safety of patients cared for by the hospital. 62793

(F) Any inspection conducted under this section is subject to 62794
a fee. Upon conducting the inspection, the director shall provide 62795
the applicant or license holder with a fee statement. Not later 62796
than fifteen days after receiving the fee statement, the applicant 62797
or license holder shall submit to the director the total amount of 62798
the fee. 62799

Sec. 3722.06. (A) Not later than the date that is one year 62800
after the effective date of this section, the director of health 62801
shall adopt rules establishing health, safety, welfare, and 62802
quality standards for hospitals licensed under this chapter, 62803
including standards for all of the following: 62804

(1) Maternity units; 62805

(2) Newborn care nurseries; 62806

(3) Health care services. 62807

(B) Not later than the date that is one year after the 62808
effective date of this section, the director shall adopt rules 62809
establishing standards and procedures for the licensure of 62810

<u>hospitals, including all of the following:</u>	62811
<u>(1) Procedures for applying and renewing licenses as described in section 3722.03 of the Revised Code;</u>	62812 62813
<u>(2) Procedures for transferring licenses as described in section 3722.04 of the Revised Code;</u>	62814 62815
<u>(3) Procedures for inspections following complaints;</u>	62816
<u>(4) Subject to division (C)(1) of this section, fees for initial applications, license renewals, and license transfers, as well as inspections conducted under section 3722.05 of the Revised Code;</u>	62817 62818 62819 62820
<u>(5) Subject to division (C)(2) of this section, standards and procedures for imposing civil penalties as described in section 3722.07 of the Revised Code;</u>	62821 62822 62823
<u>(6) Standards and procedures for correcting violations, including through the submission of correction plans;</u>	62824 62825
<u>(7) Standards and procedures for identifying, monitoring, managing, reporting, and reducing exposures to risk conditions, such as Legionella, including through the use of environmental facility assessments, the development of water management plans, and the use of disinfection measures;</u>	62826 62827 62828 62829 62830
<u>(8) Standards and procedures for data reporting;</u>	62831
<u>(9) Standards and procedures for emergency preparedness;</u>	62832
<u>(10) Standards and procedures for the provision of technical assistance as described in section 3722.09 of the Revised Code;</u>	62833 62834
<u>(11) Standards and procedures for new hospitals to demonstrate eligibility as described in division (B)(2) of section 3722.03 of the Revised Code;</u>	62835 62836 62837
<u>(12) Standards and procedures to address changes to a hospital's license, including adding or removing a location of the</u>	62838 62839

hospital. 62840

(C)(1) In the case of an inspection fee described in division 62841
(B)(4) of this section, the director shall establish an amount to 62842
cover only the cost of the inspection. All other fees established 62843
under that division shall be limited to what is necessary to 62844
support the hospital licensure program. 62845

(2) The director shall establish a scale for use in 62846
determining the amount of a civil penalty that may be imposed 62847
under section 3722.07 of the Revised Code. The scale shall include 62848
per day amounts for ongoing violations. The total amount of a 62849
civil penalty shall not exceed two hundred fifty thousand dollars 62850
for each violation. 62851

(D) The director may adopt any other rules as necessary to 62852
implement this chapter. 62853

(E) When adopting rules under this section, all of the 62854
following apply: 62855

(1) The director shall adopt the rules in accordance with 62856
Chapter 119. of the Revised Code; 62857

(2) Any rules adopted are not subject to division (F) of 62858
section 121.95 of the Revised Code; 62859

(3) The director shall collaborate with representatives of 62860
this state's hospital industry to maximize the public health 62861
utility of rules adopted under this section and limit the 62862
administrative burden of and costs of complying with such rules. 62863

Sec. 3722.07. (A) Each hospital licensed under this chapter 62864
shall comply with the requirements of this chapter and the rules 62865
adopted under it. 62866

(B) In accordance with Chapter 119. of the Revised Code, if 62867
the director of health finds that a license holder has violated 62868
any requirement of this chapter or the rules adopted under it, the 62869

director may do any of the following: 62870

(1) Impose a civil penalty of not less than one thousand dollars and not more than two hundred fifty thousand dollars; 62871
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(2) Require the license holder to submit a plan to correct or mitigate the violation; 62873
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(3) Suspend a health care service or revoke a license issued under this chapter if the director determines that the license holder is not in substantial compliance with this chapter or the rules adopted under it. 62875
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(C)(1) If the director takes action under division (B)(3) of this section, the director shall give written notice of proposed action to the hospital. The notice shall specify all of the following: 62879
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(a) The nature of the conditions giving rise to the director's judgment; 62883
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(b) The measures that the director determines the hospital must take to respond to the conditions; 62885
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(c) The date, which shall be not later than thirty days after the notice is delivered, on which the director intends to suspend the health care service or revoke the license if the conditions are not corrected and the director determines that the license holder has not come into substantial compliance with this chapter or the rules adopted under it. 62887
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(2) If the licensed hospital notifies the director, within the period of time specified in division (C)(1)(c) of this section, that the conditions giving rise to the director's determination have been corrected and that the hospital is in substantial compliance with this chapter and the rules adopted under it, the director shall conduct an inspection. The director may suspend the health care service or revoke the license if the 62893
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director determines on the basis of the inspection that the 62900
conditions have not been corrected and the license holder has not 62901
come into substantial compliance with this chapter or the rules 62902
adopted under it. 62903

(3) If the licensed hospital fails to notify the director, 62904
within the period of time specified in division (C)(1)(c) of this 62905
section, that the conditions giving rise to the director's 62906
determination have been corrected and that the hospital is in 62907
substantial compliance with this chapter and the rules adopted 62908
under it, the director may suspend the health care service or 62909
revoke the license. 62910

(D) If the director suspends a health care service or revokes 62911
a license under division (C) of this section, the director shall 62912
issue a written order of suspension or revocation and cause it to 62913
be delivered by certified mail or in person in accordance with 62914
section 119.07 of the Revised Code. If the license holder subject 62915
to the suspension or revocation requests an adjudication, the date 62916
set for the adjudication shall be within fifteen days but not 62917
earlier than seven days after the individual makes the request, 62918
unless another date is agreed to by both the individual and the 62919
director. The suspension or revocation shall remain in effect, 62920
unless reversed by the director, until a final adjudication order 62921
issued by the director pursuant to this section and Chapter 119. 62922
of the Revised Code becomes effective. 62923

The director shall issue a final adjudication order not later 62924
than ninety days after completion of the adjudication. If the 62925
director does not issue a final order within the ninety-day 62926
period, the suspension or revocation is void, but any final 62927
adjudication order issued subsequent to the ninety-day period 62928
shall not be affected. 62929

(E) If the director issues a final adjudication order 62930
suspending a health care service or suspending or revoking a 62931

license issued under this chapter and the license holder continues 62932
to operate a hospital, the director may ask the attorney general 62933
to apply to the court of common pleas of the county in which the 62934
hospital is located for an order enjoining the license holder from 62935
operating the hospital. 62936

Sec. 3722.08. (A) As used in this section, "imminent threat 62937
of harm" means imminent danger of serious physical or 62938
life-threatening harm to one or more occupants of a hospital. 62939

(B) If, in the judgment of the director of health, an 62940
imminent threat of harm exists at any licensed hospital, the 62941
director may petition the court of common pleas of the county in 62942
which the hospital is located for such injunctive relief as is 62943
necessary to close the hospital, suspend a service within the 62944
hospital, transfer one or more occupants to other hospitals or 62945
other appropriate care settings, or otherwise eliminate the 62946
imminent threat of harm. The court has jurisdiction to grant such 62947
injunctive relief upon a showing that there is an imminent threat 62948
of harm. In such court proceeding, the hospital shall have an 62949
opportunity to present evidence to the court that an imminent 62950
threat of harm does not exist or has been remedied. 62951

(C)(1) If the director determines that an imminent threat of 62952
harm exists at a licensed hospital and elects not to immediately 62953
seek injunctive relief under division (B) of this section, the 62954
director may give written notice of proposed action to the 62955
hospital. The notice shall specify all of the following: 62956

(a) The nature of the conditions giving rise to the imminent 62957
threat of harm; 62958

(b) The measures that the director determines the hospital 62959
must take to respond to the conditions; 62960

(c) The date on which the director intends to seek injunctive 62961

relief under division (B) of this section if the director 62962
determines that an imminent threat of harm remains at the 62963
hospital. 62964

(2) If the licensed hospital notifies the director, within 62965
the time specified pursuant to division (C)(1)(c) of this section, 62966
that it believes the conditions giving rise to the imminent threat 62967
of harm have been substantially corrected, the director shall 62968
conduct an inspection to determine whether an imminent threat of 62969
harm remains. If the director determines on the basis of the 62970
inspection that an imminent threat of harm remains, the director 62971
may petition under division (B) of this section for injunctive 62972
relief. 62973

(D) On finding that the imminent threat of harm for which 62974
injunctive relief was granted under division (B) of this section 62975
has been eliminated and that the hospital has demonstrated the 62976
capacity to prevent the imminent threat of harm from recurring, 62977
the court shall lift the injunctive relief. 62978

If the imminent threat of harm cannot be eliminated 62979
practicably within a reasonable time, the court may order the 62980
hospital to close, transfer all patients to other hospitals or 62981
other appropriate care settings, or suspend a service. 62982

(E) The director of health shall give notice of proposed 62983
action under this section to the following: 62984

(1) The hospital's administrator; 62985

(2) The hospital's governing board; 62986

(3) The hospital's statutory agent. 62987

A notice shall be delivered by hand or certified mail. If 62988
mailed, the notice shall be addressed to the persons specified in 62989
this section, as indicated in the department of health's records. 62990
If hand delivered, the notice shall be delivered to persons who 62991

would reasonably appear to the average prudent person to have 62992
authority to accept them. 62993

Sec. 3722.09. (A) The director of health may provide each 62994
licensed hospital with technical assistance in all of the 62995
following areas: 62996

(1) Infectious diseases, including measures to prevent and 62997
control their spread; 62998

(2) Quality improvement projects, including health equity and 62999
disparities; 63000

(3) Population health initiatives; 63001

(4) Data analytics; 63002

(5) Workforce recruitment and development. 63003

(B) The director may engage with one or more quality 63004
improvement organizations to assist in providing technical 63005
assistance. The director may terminate the assistance of a quality 63006
improvement organization at any time. 63007

(C) The director may use any fees and civil penalties 63008
collected under this chapter to fund the provision of technical 63009
assistance to licensed hospitals, including contracting with 63010
entities to provide training or technical assistance as determined 63011
necessary by the director. 63012

Sec. 3722.10. Each hospital licensed under this chapter shall 63013
have a governing board to oversee the hospital's management, 63014
operation, and control. The governing board shall be responsible 63015
for overseeing the appointment, reappointment, and assignment of 63016
privileges to medical staff as described in section 3701.351 of 63017
the Revised Code. 63018

Sec. 3722.11. (A) "Opioid" means opioid analgesic as defined 63019

in section 3719.01 of the Revised Code. 63020

(B) Beginning on the date that is three years after the 63021
effective date of this section, each hospital licensed under this 63022
chapter that operates a maternity unit or newborn care nursery 63023
shall report to the director of health the number of newborns born 63024
to residents of this state in the unit or nursery during the 63025
preceding calendar quarter that were diagnosed as opioid dependent 63026
at birth. The reports shall be submitted not later than thirty 63027
days after the end of each quarter and shall not include any 63028
patient-identifying information. A third-party organization may 63029
report as described in this division on behalf of the hospital. 63030

(C) The director shall establish standards and procedures for 63031
reporting the information required by this section, including 63032
reporting submitted by third-party organizations. The information 63033
reported under this section shall not be used for law enforcement 63034
purposes or disclosed to law enforcement authorities. 63035

(D) The director shall compile the information submitted 63036
under this section and make a summary of that information 63037
available to the public not later than ninety days after the end 63038
of each calendar year. 63039

Sec. 3722.12. (A) Beginning on the date that is three years 63040
after the effective date of this section, each hospital shall 63041
report to the director of health the contagious, environmental, or 63042
infectious diseases, illnesses, or health conditions or unusual 63043
infectious agents or biological toxins for which it provides 63044
treatment to patients. A third-party organization may report as 63045
described in this division on behalf of the hospital. 63046

(B) The director shall adopt rules that do all of the 63047
following: 63048

(1) Specify the diseases, illnesses, conditions, infectious 63049

agents, and biological toxins to be reported under this section; 63050

(2) Specify the frequency with which a hospital shall report to the director under this section; 63051
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(3) Prescribe the manner in which a hospital or third-party organization shall report to the director under this section. 63053
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(C) Any information reported under this section shall be considered protected health information as described in section 3701.17 of the Revised Code and shall be released only in accordance with that section. Information that does not identify an individual may be released in summary, statistical, or aggregate form. 63055
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Sec. 3722.13. All initial license fees, renewal fees, fees for inspections conducted by the director of health and civil penalties collected under this chapter shall be deposited in the state treasury to the credit of the general operations fund created under section 3701.83 of the Revised Code. The moneys shall be used solely for purposes of administering and enforcing this chapter and the rules adopted under it. 63061
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Sec. 3722.14. From the effective date of this section until the date that is three years after the effective date of this section, the requirements of this chapter apply only to a hospital that has obtained a license to operate issued under section 3722.03 of the Revised Code. Beginning on the date that is three years after the effective date of this section, each hospital is subject to the requirements of this chapter. 63068
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Sec. 3722.99. Beginning on the date that is three years from the effective date of this section, whoever violates division (B) of section 3722.02 of the Revised Code is guilty of a misdemeanor of the first degree and shall be liable for an additional penalty 63075
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of one thousand dollars for each day of operation in violation of 63079
such division. 63080

Sec. 3727.70. As used in this section and sections 3727.71 to 63081
3727.79 of the Revised Code: 63082

(A) "Admission" means a patient's admission to a hospital on 63083
an inpatient basis by a health care professional ~~specified in~~ 63084
~~division (B)(1) of section 3727.06 of the Revised Code.~~ 63085

(B) "After-care" means assistance provided by a lay caregiver 63086
to a patient in the patient's residence after the patient's 63087
discharge and includes only the caregiving needs of the patient at 63088
the time of discharge. 63089

(C) "Discharge" means the discharge or release of a patient 63090
who has been admitted to a hospital on an inpatient basis from the 63091
hospital directly to the patient's residence. "Discharge" does not 63092
include the transfer of a patient to another facility or setting. 63093

(D) "Discharging health care professional" means a health 63094
care professional who is authorized ~~by division (B)(1) of section~~ 63095
~~3727.06 of the Revised Code~~ to admit a patient to a hospital and 63096
who has assumed responsibility for directing the creation of the 63097
patient's discharge plan under section 3727.75 of the Revised 63098
Code. 63099

(E) "Guardian" has the same meaning as in section 2133.01 of 63100
the Revised Code. 63101

(F) "Lay caregiver" means an adult designated under section 63102
3727.71 of the Revised Code to provide after-care to a patient. 63103

(G) "Lay caregiver designation" means the designation of a 63104
lay caregiver for a patient as described in section 3727.71 of the 63105
Revised Code. 63106

(H)(1) "Patient's residence" means either of the following: 63107

(a) The dwelling that a patient or the patient's guardian considers to be the patient's home;	63108 63109
(b) The dwelling of a relative or other individual who has agreed to temporarily house the patient following discharge and who has communicated this fact to hospital staff.	63110 63111 63112
(2) "Patient's residence" does not include any of the following:	63113 63114
(a) A hospital;	63115
(b) A nursing home, residential care facility, county home, or district home, as defined in section 3721.01 of the Revised Code;	63116 63117 63118
(c) A veterans' home operated under Chapter 5907. of the Revised Code;	63119 63120
(d) A residential facility, as defined in section 5119.34 of the Revised Code;	63121 63122
(e) A residential facility, as defined in section 5123.19 of the Revised Code;	63123 63124
(f) A hospice care program, as defined in section 3712.01 of the Revised Code;	63125 63126
(g) A freestanding inpatient rehabilitation facility licensed under section 3702.30 of the Revised Code;	63127 63128
(h) Another facility similar to one specified in this division.	63129 63130
Sec. 3781.112. (A) As used in this section, "secured facility" means any of the following:	63131 63132
(1) A maternity unit, newborn care nursery, or maternity home licensed under Chapter 3711. of the Revised Code;	63133 63134
(2) A pediatric intensive care unit subject to rules adopted	63135

~~by the director of health pursuant to section 3702.11 of the Revised Code;~~ 63136
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(3) ~~A children's hospital, as defined in section 3727.01~~ 63138
hospital licensed under Chapter 3722. of the Revised Code; 63139

(4) A hospital ~~that is~~ licensed under section 5119.33 of the Revised Code to receive mentally ill persons; 63140
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(5) The portion of a nursing home licensed under section 3721.02 of the Revised Code or in accordance with section 3721.09 of the Revised Code in which specialized care is provided to residents of the nursing home who have physical or mental conditions that require a resident to be restricted in the resident's freedom of movement for the health and safety of the resident, the staff attending the resident, or the general public. 63142
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(B) A secured facility may take reasonable steps in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, to deny egress to confine and protect patients or residents of the secured facility who are not capable of self-preservation. A secured facility that wishes to deny egress to those patients or residents may use delayed-egress doors and electronically coded doors to deny egress, on the condition that those doors are installed and used in accordance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in accordance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code. A secured facility also may install controlled-egress locks, in compliance with rules the board of building standards adopts under division (A) of section 3781.10 of the Revised Code and in compliance with the state fire code the fire marshal adopts under section 3737.82 of the Revised Code, in areas of the secured facility where patients or residents who have 63149
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physical or mental conditions that would endanger the patients or residents, the staff attending the patients or residents, or the general public if those patients or residents are not restricted in their freedom of movement. A secured facility that uses delayed-egress doors and electronically coded doors, controlled-egress locks, or both, shall do both of the following:

(1) Provide continuous, twenty-four-hour custodial care to the patients or residents of the facility;

(2) Establish a system to evacuate patients or residents in the event of fire or other emergency.

Sec. 3901.40. No insurance company, health insuring corporation, or self-insurance plan authorized to do business in this state shall include or provide in its policies or subscriber agreements for benefit payments or reimbursement for services in any hospital which is not ~~certified or accredited as provided in division (A) of section 3727.02~~ licensed under Chapter 3722. of the Revised Code. No hospital located in this state shall charge any insurance company, health insuring corporation, federal, state, or local government agency, or person for any services rendered unless the hospital is ~~certified or accredited as provided in division (A) of section 3727.02~~ licensed under Chapter 3722. of the Revised Code. "Hospital" as used in this section means only those institutions included within the definition of that term contained in section 3727.01 of the Revised Code, and the prohibitions in this section do not apply to facilities excluded from that definition.

Sec. 3929.67. (A) A medical liability insurance policy that insures a physician or podiatrist, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled

during the term of the policy for one of the following reasons:	63198
(1) Nonpayment of premiums;	63199
(2) The license of the insured to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery has been suspended or revoked;	63200 63201 63202
(3) The insured's failure to meet minimum eligibility and underwriting standards;	63203 63204
(4) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the coverage has been issued or renewed, except to the extent that the medical liability underwriting association reasonably should have foreseen the change or contemplated the risk in writing the policy;	63205 63206 63207 63208 63209 63210
(5) Discovery of fraud or material misrepresentation in the procurement of insurance or with respect to any claim submitted thereunder.	63211 63212 63213
(B) A medical liability insurance policy that insures a hospital, written by or on behalf of the medical liability underwriting association pursuant to sections 3929.62 to 3929.70 of the Revised Code, may only be cancelled during the term of the policy for one of the following reasons:	63214 63215 63216 63217 63218
(1) Nonpayment of premiums;	63219
(2) The hospital is not certified or accredited in accordance with <u>licensed under</u> Chapter 3727 <u>3722</u> . of the Revised Code;	63220 63221
(3) An injunction against the hospital has been granted under section 3727-05 <u>3722.08</u> of the Revised Code;	63222 63223
(4) The insured's failure to meet minimum eligibility and underwriting standards;	63224 63225
(5) The occurrence of a change in the individual risk that substantially increases any hazard insured against after the	63226 63227

coverage has been issued or renewed, except to the extent that the 63228
medical liability underwriting association reasonably should have 63229
foreseen the change or contemplated the risk in writing the 63230
policy; 63231

(6) Discovery of fraud or material misrepresentation in the 63232
procurement of insurance or with respect to any claim submitted 63233
thereunder. 63234

Sec. 4723.431. (A)(1) An advanced practice registered nurse 63235
who is designated as a clinical nurse specialist, certified 63236
nurse-midwife, or certified nurse practitioner may practice only 63237
in accordance with a standard care arrangement entered into with 63238
each physician or podiatrist with whom the nurse collaborates. A 63239
copy of the standard care arrangement shall be retained on file by 63240
the nurse's employer. Prior approval of the standard care 63241
arrangement by the board of nursing is not required, but the board 63242
may periodically review it for compliance with this section. 63243

A clinical nurse specialist, certified nurse-midwife, or 63244
certified nurse practitioner may enter into a standard care 63245
arrangement with one or more collaborating physicians or 63246
podiatrists. If a collaborating physician or podiatrist enters 63247
into standard care arrangements with more than five nurses, the 63248
physician or podiatrist shall not collaborate at the same time 63249
with more than five nurses in the prescribing component of their 63250
practices. 63251

Not later than thirty days after first engaging in the 63252
practice of nursing as a clinical nurse specialist, certified 63253
nurse-midwife, or certified nurse practitioner, the nurse shall 63254
submit to the board the name and business address of each 63255
collaborating physician or podiatrist. Thereafter, the nurse shall 63256
notify the board of any additions or deletions to the nurse's 63257
collaborating physicians or podiatrists. Except as provided in 63258

division (D) of this section, the notice must be provided not 63259
later than thirty days after the change takes effect. 63260

(2) All of the following conditions apply with respect to the 63261
practice of a collaborating physician or podiatrist with whom a 63262
clinical nurse specialist, certified nurse-midwife, or certified 63263
nurse practitioner may enter into a standard care arrangement: 63264

(a) The physician or podiatrist must be authorized to 63265
practice in this state. 63266

(b) Except as provided in division (A)(2)(c) of this section, 63267
the physician or podiatrist must be practicing in a specialty that 63268
is the same as or similar to the nurse's nursing specialty. 63269

(c) If the nurse is a clinical nurse specialist who is 63270
certified as a psychiatric-mental health CNS by the American 63271
nurses credentialing center or a certified nurse practitioner who 63272
is certified as a psychiatric-mental health NP by the American 63273
nurses credentialing center, the nurse may enter into a standard 63274
care arrangement with a physician but not a podiatrist and the 63275
collaborating physician must be practicing in one of the following 63276
specialties: 63277

(i) Psychiatry; 63278

(ii) Pediatrics; 63279

(iii) Primary care or family practice. 63280

(B) A standard care arrangement shall be in writing and shall 63281
contain all of the following: 63282

(1) Criteria for referral of a patient by the clinical nurse 63283
specialist, certified nurse-midwife, or certified nurse 63284
practitioner to a collaborating physician or podiatrist or another 63285
physician or podiatrist; 63286

(2) A process for the clinical nurse specialist, certified 63287
nurse-midwife, or certified nurse practitioner to obtain a 63288

consultation with a collaborating physician or podiatrist or 63289
another physician or podiatrist; 63290

(3) A plan for coverage in instances of emergency or planned 63291
absences of either the clinical nurse specialist, certified 63292
nurse-midwife, or certified nurse practitioner or a collaborating 63293
physician or podiatrist that provides the means whereby a 63294
physician or podiatrist is available for emergency care; 63295

(4) The process for resolution of disagreements regarding 63296
matters of patient management between the clinical nurse 63297
specialist, certified nurse-midwife, or certified nurse 63298
practitioner and a collaborating physician or podiatrist; 63299

(5) Any other criteria required by rule of the board adopted 63300
pursuant to section 4723.07 or 4723.50 of the Revised Code. 63301

(C)(1) A standard care arrangement entered into pursuant to 63302
this section may permit a clinical nurse specialist, certified 63303
nurse-midwife, or certified nurse practitioner to supervise 63304
services provided by a home health agency as defined in section 63305
3701.881 of the Revised Code. 63306

(2) A standard care arrangement entered into pursuant to this 63307
section may permit a clinical nurse specialist, certified 63308
nurse-midwife, or certified nurse practitioner to admit a patient 63309
to a hospital ~~in accordance with section 3727.06 of the Revised~~ 63310
~~Code.~~ 63311

(D)(1) Except as provided in division (D)(2) of this section, 63312
if a physician or podiatrist terminates the collaboration between 63313
the physician or podiatrist and a certified nurse-midwife, 63314
certified nurse practitioner, or clinical nurse specialist before 63315
their standard care arrangement expires, all of the following 63316
apply: 63317

(a) The physician or podiatrist must give the nurse written 63318
or electronic notice of the termination. 63319

(b) Once the nurse receives the termination notice, the nurse must notify the board of nursing of the termination as soon as practicable by submitting to the board a copy of the physician's or podiatrist's termination notice.

(c) Notwithstanding the requirement of section 4723.43 of the Revised Code that the nurse practice in collaboration with a physician or podiatrist, the nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after submitting to the board a copy of the termination notice.

(2) In the event that the collaboration between a physician or podiatrist and a certified nurse-midwife, certified nurse practitioner, or clinical nurse specialist terminates because of the physician's or podiatrist's death, the nurse must notify the board of the death as soon as practicable. The nurse may continue to practice under the existing standard care arrangement without a collaborating physician or podiatrist for not more than one hundred twenty days after notifying the board of the physician's or podiatrist's death.

(E) Nothing in this section prohibits a hospital from hiring a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner as an employee and negotiating standard care arrangements on behalf of the employee as necessary to meet the requirements of this section. A standard care arrangement between the hospital's employee and the employee's collaborating physician is subject to approval by the medical staff and governing body of the hospital prior to implementation of the arrangement at the hospital.

Sec. 4723.481. This section establishes standards and conditions regarding the authority of an advanced practice registered nurse who is designated as a clinical nurse specialist,

certified nurse-midwife, or certified nurse practitioner to 63351
prescribe and personally furnish drugs and therapeutic devices 63352
under a license issued under section 4723.42 of the Revised Code. 63353

(A) Except as provided in division (F) of this section, a 63354
clinical nurse specialist, certified nurse-midwife, or certified 63355
nurse practitioner shall not prescribe or furnish any drug or 63356
therapeutic device that is listed on the exclusionary formulary 63357
established in rules adopted under section 4723.50 of the Revised 63358
Code. 63359

(B) The prescriptive authority of a clinical nurse 63360
specialist, certified nurse-midwife, or certified nurse 63361
practitioner shall not exceed the prescriptive authority of the 63362
collaborating physician or podiatrist, including the collaborating 63363
physician's authority to treat chronic pain with controlled 63364
substances and products containing tramadol as described in 63365
section 4731.052 of the Revised Code. 63366

(C)(1) Except as provided in division (C)(2) or (3) of this 63367
section, a clinical nurse specialist, certified nurse-midwife, or 63368
certified nurse practitioner may prescribe to a patient a schedule 63369
II controlled substance only if all of the following are the case: 63370

(a) The patient has a terminal condition, as defined in 63371
section 2133.01 of the Revised Code. 63372

(b) A physician initially prescribed the substance for the 63373
patient. 63374

(c) The prescription is for an amount that does not exceed 63375
the amount necessary for the patient's use in a single, 63376
seventy-two-hour period. 63377

(2) The restrictions on prescriptive authority in division 63378
(C)(1) of this section do not apply if a clinical nurse 63379
specialist, certified nurse-midwife, or certified nurse 63380

practitioner issues the prescription to the patient from any of 63381
the following locations: 63382

(a) A hospital ~~registered under section 3701.07~~ as defined in 63383
section 3722.01 of the Revised Code; 63384

(b) An entity owned or controlled, in whole or in part, by a 63385
hospital or by an entity that owns or controls, in whole or in 63386
part, one or more hospitals; 63387

(c) A health care facility operated by the department of 63388
mental health and addiction services or the department of 63389
developmental disabilities; 63390

(d) A nursing home licensed under section 3721.02 of the 63391
Revised Code or by a political subdivision certified under section 63392
3721.09 of the Revised Code; 63393

(e) A county home or district home operated under Chapter 63394
5155. of the Revised Code that is certified under the medicare or 63395
medicaid program; 63396

(f) A hospice care program, as defined in section 3712.01 of 63397
the Revised Code; 63398

(g) A community mental health services provider, as defined 63399
in section 5122.01 of the Revised Code; 63400

(h) An ambulatory surgical facility, as defined in section 63401
3702.30 of the Revised Code; 63402

(i) A freestanding birthing center, as defined in section 63403
~~3702.141~~ 3701.503 of the Revised Code; 63404

(j) A federally qualified health center, as defined in 63405
section 3701.047 of the Revised Code; 63406

(k) A federally qualified health center look-alike, as 63407
defined in section 3701.047 of the Revised Code; 63408

(l) A health care office or facility operated by the board of 63409

health of a city or general health district or the authority 63410
having the duties of a board of health under section 3709.05 of 63411
the Revised Code; 63412

(m) A site where a medical practice is operated, but only if 63413
the practice is comprised of one or more physicians who also are 63414
owners of the practice; the practice is organized to provide 63415
direct patient care; and the clinical nurse specialist, certified 63416
nurse-midwife, or certified nurse practitioner providing services 63417
at the site has a standard care arrangement and collaborates with 63418
at least one of the physician owners who practices primarily at 63419
that site; 63420

(n) A residential care facility, as defined in section 63421
3721.01 of the Revised Code. 63422

(3) A clinical nurse specialist, certified nurse-midwife, or 63423
certified nurse practitioner shall not issue to a patient a 63424
prescription for a schedule II controlled substance from a 63425
convenience care clinic even if the clinic is owned or operated by 63426
an entity specified in division (C)(2) of this section. 63427

(D) A pharmacist who acts in good faith reliance on a 63428
prescription issued by a clinical nurse specialist, certified 63429
nurse-midwife, or certified nurse practitioner under division 63430
(C)(2) of this section is not liable for or subject to any of the 63431
following for relying on the prescription: damages in any civil 63432
action, prosecution in any criminal proceeding, or professional 63433
disciplinary action by the state board of pharmacy under Chapter 63434
4729. of the Revised Code. 63435

(E) A clinical nurse specialist, certified nurse-midwife, or 63436
certified nurse practitioner shall comply with section 3719.061 of 63437
the Revised Code if the nurse prescribes for a minor, as defined 63438
in that section, an opioid analgesic, as defined in section 63439
3719.01 of the Revised Code. 63440

(F) Until the board of nursing establishes a new formulary in 63441
rules adopted under section 4723.50 of the Revised Code, a 63442
clinical nurse specialist, certified nurse-midwife, or certified 63443
nurse practitioner who prescribes or furnishes any drug or 63444
therapeutic device shall do so in accordance with the formulary 63445
established by the board prior to ~~the effective date of this~~ 63446
~~amendment~~ April 6, 2017. 63447

Sec. 4730.411. (A) Except as provided in division (B) or (C) 63448
of this section, a physician assistant may prescribe to a patient 63449
a schedule II controlled substance only if all of the following 63450
are the case: 63451

(1) The patient is in a terminal condition, as defined in 63452
section 2133.01 of the Revised Code. 63453

(2) The physician assistant's supervising physician initially 63454
prescribed the substance for the patient. 63455

(3) The prescription is for an amount that does not exceed 63456
the amount necessary for the patient's use in a single, 63457
twenty-four-hour period. 63458

(B) The restrictions on prescriptive authority in division 63459
(A) of this section do not apply if a physician assistant issues 63460
the prescription to the patient from any of the following 63461
locations: 63462

(1) A hospital ~~registered under section 3701.07~~ as defined in 63463
section 3722.01 of the Revised Code; 63464

(2) An entity owned or controlled, in whole or in part, by a 63465
hospital or by an entity that owns or controls, in whole or in 63466
part, one or more hospitals; 63467

(3) A health care facility operated by the department of 63468
mental health and addiction services or the department of 63469
developmental disabilities; 63470

- (4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 63471
63472
63473
- (5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program; 63474
63475
63476
- (6) A hospice care program, as defined in section 3712.01 of the Revised Code; 63477
63478
- (7) A community mental health services provider, as defined in section 5122.01 of the Revised Code; 63479
63480
- (8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code; 63481
63482
- (9) A freestanding birthing center, as defined in section ~~3702.141~~ 3701.503 of the Revised Code; 63483
63484
- (10) A federally qualified health center, as defined in section 3701.047 of the Revised Code; 63485
63486
- (11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code; 63487
63488
- (12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; 63489
63490
63491
63492
- (13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site. 63493
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63495
63496
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63498
- (C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a 63499
63500

convenience care clinic even if the convenience care clinic is 63501
owned or operated by an entity specified in division (B) of this 63502
section. 63503

(D) A pharmacist who acts in good faith reliance on a 63504
prescription issued by a physician assistant under division (B) of 63505
this section is not liable for or subject to any of the following 63506
for relying on the prescription: damages in any civil action, 63507
prosecution in any criminal proceeding, or professional 63508
disciplinary action by the state board of pharmacy under Chapter 63509
4729. of the Revised Code. 63510

Sec. 4731.31. (A) As used in this section: 63511

(1) "Rural hospital" means a hospital agency, as defined in 63512
section 140.01 of the Revised Code, that meets all of the 63513
following criteria: 63514

(a) Is in compliance with ~~section 3727.02 of the Revised Code~~ 63515
~~and the registration requirement of division (A) of section~~ 63516
~~3701.07 Chapter 3722.~~ of the Revised Code; 63517

(b) Is located in a county that has a population of less than 63518
one hundred twenty-five thousand. 63519

(2) "Physician" means an individual authorized under Chapter 63520
4731. of the Revised Code to practice medicine and surgery, 63521
osteopathic medicine and surgery, or podiatric medicine and 63522
surgery. 63523

(B) Subject to division (C) of this section, a rural hospital 63524
or a health care facility that is owned or operated by a rural 63525
hospital may employ a physician. A hospital or facility that 63526
employs a physician in accordance with this section is not engaged 63527
in the practice of medicine and surgery, osteopathic medicine and 63528
surgery, or podiatric medicine and surgery in violation of section 63529
4731.41, 4731.43, or 4731.60 of the Revised Code. 63530

(C) No rural hospital or health care facility owned or operated by a rural hospital shall do either of the following:

(1) Control the professional clinical judgment exercised within accepted and prevailing standards of practice of a physician employed pursuant to this section in rendering care, treatment, or professional advice to an individual patient;

(2) Require that a physician be employed by the hospital or facility as a condition of granting the physician privileges to practice within the hospital or facility.

Sec. 4761.01. As used in this chapter:

(A) "Respiratory care" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the evaluation of cardiopulmonary function, the treatment of cardiopulmonary impairment, the assessment of treatment effectiveness, and the care of patients with deficiencies and abnormalities associated with the cardiopulmonary system. The practice of respiratory care includes:

(1) Obtaining, analyzing, testing, measuring, and monitoring blood and gas samples in the determination of cardiopulmonary parameters and related physiologic data, including flows, pressures, and volumes, and the use of equipment employed for this purpose;

(2) Administering, monitoring, recording the results of, and instructing in the use of medical gases, aerosols, and bronchopulmonary hygiene techniques, including drainage, aspiration, and sampling, and applying, maintaining, and instructing in the use of artificial airways, ventilators, and other life support equipment employed in the treatment of cardiopulmonary impairment and provided in collaboration with other licensed health care professionals responsible for providing

care; 63561

(3) Performing cardiopulmonary resuscitation and respiratory 63562
rehabilitation techniques; 63563

(4) Administering medications for the testing or treatment of 63564
cardiopulmonary impairment. 63565

(B) "Respiratory care professional" means a person who is 63566
licensed under this chapter to practice the full range of services 63567
described in division (A) of this section. 63568

(C) "Physician" means an individual authorized under Chapter 63569
4731. of the Revised Code to practice medicine and surgery or 63570
osteopathic medicine and surgery. 63571

(D) "Registered nurse" means an individual licensed under 63572
Chapter 4723. of the Revised Code to engage in the practice of 63573
nursing as a registered nurse. 63574

(E) "Hospital" ~~means a facility that meets the operating~~ 63575
~~standards of section 3727.02~~ has the same meaning as in section 63576
3722.01 of the Revised Code. 63577

(F) "Nursing facility" has the same meaning as in section 63578
5165.01 of the Revised Code. 63579

(G) "Advanced practice registered nurse" has the same meaning 63580
as in section 4723.01 of the Revised Code. 63581

(H) "Physician assistant" means an individual who holds a 63582
valid license to practice as a physician assistant issued under 63583
Chapter 4730. of the Revised Code. 63584

Section 130.11. That existing sections 111.15, 140.01, 63585
3701.07, 3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 63586
3702.30, 3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 63587
3702.593, 3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 63588
3711.06, 3711.10, 3711.12, 3711.14, 3711.30, 3727.70, 3781.112, 63589

3901.40, 3929.67, 4723.431, 4723.481, 4730.411, 4731.31, and 63590
4761.01 are hereby repealed. 63591

Section 130.12. That sections 3702.11, 3702.12, 3702.13, 63592
3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 63593
3727.01, 3727.02, 3727.03, 3727.04, 3727.05, 3727.06, 3727.07, and 63594
3727.99 of the Revised Code are hereby repealed. 63595

Section 130.13. (A) The amendment and repeal of Revised Code 63596
sections by Sections 130.10, 130.11, and 130.12 of this act take 63597
effect on the date that is three years after the effective date of 63598
this section. 63599

(B) The enactment of sections 3722.01, 3722.02, 3722.03, 63600
3722.04, 3722.05, 3722.06, 3722.07, 3722.08, 3722.09, 3722.10, 63601
3722.11, 3722.12, 3722.13, 3722.14, and 3722.99 of the Revised 63602
Code by Section 130.10 of this act takes effect on the effective 63603
date of this section. 63604

Section 130.14. (A) Not later than the date that is three 63605
years from the effective date of this section, each hospital shall 63606
comply with the requirements for initial licensure as established 63607
under Chapter 3722. of the Revised Code and rules adopted under it 63608
by the director of health. As each hospital is licensed, the 63609
director of health, or designee, shall assign the hospital to one 63610
of three licensure groups. The first group shall renew its license 63611
at the end of the first year. The second group shall renew its 63612
license at the end of the second year. The third group shall renew 63613
its license at the end of the third year. 63614

(B)(1) All initial licenses issued shall contain the renewal 63615
date according to division (A) of this section. Each hospital 63616
shall renew by the renewal date, meet the renewal application 63617
requirements established in rule, and pay the fee as set forth in 63618

division (B)(2) of this section. 63619

(2) Each hospital that renews its license in the first year 63620
shall pay a renewal fee that is one-third of the renewal fee 63621
established in rules adopted by the director of health. Each 63622
hospital that renews its license in the second year shall pay a 63623
renewal fee that is two-thirds of the renewal fee established in 63624
rules adopted by the director of health. Each hospital that renews 63625
its license in the third year shall pay the renewal fee as 63626
established in rules adopted by the director of health. 63627

(3) Each renewal license issued under this section shall be 63628
valid for three years such that each year thereafter one-third of 63629
hospitals will renew their licenses. 63630

(C) Renewal licenses issued under division (B) of this 63631
section shall be renewed following the renewal procedure set forth 63632
in rule, including payment of the renewal fee. 63633

Section 201.10. Except as otherwise provided in this act, all 63634
appropriation items in this act are appropriated out of any moneys 63635
in the state treasury to the credit of the designated fund that 63636
are not otherwise appropriated. For all appropriations made in 63637
this act, the amounts in the first column are for fiscal year 2022 63638
and the amounts in the second column are for fiscal year 2023. 63639
63640

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 63641

Dedicated Purpose Fund Group 63642

4J80 889601	CPA Education	\$	525,000	\$	525,000	63643
	Assistance					

4K90 889609	Operating Expenses	\$	1,244,124	\$	1,291,139	63644
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TOTAL DPF Dedicated Purpose Fund 63645

Group		\$	1,769,124	\$	1,816,139	63646
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TOTAL ALL BUDGET FUND GROUPS		\$	1,769,124	\$	1,816,139	63647
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Section 205.10. ADJ ADJUTANT GENERAL				63649
General Revenue Fund				63650
GRF	745401	Ohio Military Reserve	\$ 9,500 \$ 9,800	63651
GRF	745404	Air National Guard	\$ 1,750,000 \$ 1,811,250	63652
GRF	745407	National Guard	\$ 174,000 \$ 174,000	63653
Benefits				
GRF	745409	Central	\$ 2,940,167 \$ 3,025,550	63654
Administration				
GRF	745499	Army National Guard	\$ 3,600,000 \$ 3,726,000	63655
GRF	745503	Ohio Cyber Reserve	\$ 750,000 \$ 750,000	63656
GRF	745504	Ohio Cyber Range	\$ 2,100,000 \$ 2,100,000	63657
GRF	745505	State Active Duty	\$ 50,000 \$ 50,000	63658
TOTAL GRF	General Revenue Fund		\$ 11,373,667 \$ 11,646,600	63659
Dedicated Purpose Fund Group				63660
5340	745612	Property Operations	\$ 900,000 \$ 900,000	63661
Management				
5360	745605	Marksmanship	\$ 115,000 \$ 115,000	63662
Activities				
5360	745620	Camp Perry and	\$ 874,055 \$ 874,055	63663
Buckeye Inn				
Operations				
5370	745604	Ohio National Guard	\$ 190,000 \$ 190,000	63664
Facilities				
Maintenance				
5CV1	745632	Coronavirus Relief -	\$ 1,000,000 \$ 0	63665
ADJ				
5LY0	745626	Military Medal of	\$ 5,000 \$ 5,000	63666
Distinction				
5U80	745613	Community Match	\$ 350,000 \$ 350,000	63667
Armories				
TOTAL DPF	Dedicated Purpose Fund		\$ 3,434,055 \$ 2,434,055	63668

Group

Federal Fund Group					63669
3420 745616	Army National Guard	\$ 26,252,590	\$ 26,636,202		63670
	Service Agreement				
3E80 745628	Air National Guard	\$ 14,476,985	\$ 14,881,509		63671
	Operations and				
	Maintenance				
3R80 745603	Counter Drug	\$ 15,000	\$ 15,382		63672
	Operations				
TOTAL FED	Federal Fund Group	\$ 40,744,575	\$ 41,533,093		63673
TOTAL ALL BUDGET	FUND GROUPS	\$ 55,552,297	\$ 55,613,748		63674

Section 205.20. NATIONAL GUARD BENEFITS 63676

The foregoing appropriation item 745407, National Guard 63677
Benefits, shall be used for purposes of sections 5919.31 and 63678
5919.33 of the Revised Code, and for administrative costs of the 63679
associated programs. 63680

If necessary, in order to pay benefits in a timely manner 63681
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 63682
Adjutant General may request the Director of Budget and Management 63683
transfer appropriation from any appropriation item used by the 63684
Adjutant General to appropriation item 745407, National Guard 63685
Benefits. Such amounts are hereby appropriated. The Adjutant 63686
General may subsequently seek Controlling Board approval to 63687
restore the appropriation in the appropriation item from which 63688
such a transfer was made. 63689

For active duty members of the Ohio National Guard who died 63690
after October 7, 2001, while performing active duty, the death 63691
benefit, pursuant to section 5919.33 of the Revised Code, shall be 63692
paid to the beneficiary or beneficiaries designated on the 63693
member's Servicemembers' Group Life Insurance Policy. 63694

OHIO CYBER RESERVE 63695

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state government, critical infrastructure, and the citizens of this state from cyberattacks and incidences under sections 5922.01, 5922.02, and 5922.08 of the Revised Code.

OHIO CYBER RANGE

The foregoing appropriation item 745504, Ohio Cyber Range, shall be used for purposes of providing cyber training and education to K-12 students, higher education students, members of the Ohio National Guard, federal employees, and state and local government employees, and provide for emergency preparedness exercises and trainings.

The Adjutant General's Department, in conjunction and collaboration with the Department of Administrative Services, the Department of Public Safety, the Department of Higher Education, and the Department of Education shall establish and maintain a cyber range. The Adjutant General's Department may work with federal agencies to assist in accomplishing this objective. The state agencies identified in this paragraph may procure any necessary goods and services including, but not limited to, contracted services, hardware, networking services, maintenance costs, and the training and management costs of a cyber range. These state agencies shall determine the amount of funds each agency will contribute from available funds and appropriations enacted herein in order to establish and maintain a cyber range.

Of the foregoing appropriation item 745504, Ohio Cyber Range, up to \$2,100,000 in each fiscal year shall be used by the Adjutant General's Department for the purposes of establishing and maintaining the cyber range.

STATE ACTIVE DUTY				63728	
Of the foregoing appropriation item 745505, State Active				63729	
Duty, \$50,000 in each fiscal year shall be used for the purpose of				63730	
paying expenses related to state active duty of members of the				63731	
Ohio organized militia, in accordance with a proclamation or order				63732	
of the Governor. Expenses include, but are not limited to, cost of				63733	
equipment, supplies, and services, as determined by the Adjutant				63734	
General.				63735	
Section 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				63736	
General Revenue Fund				63737	
GRF 100412 Unemployment Insurance	\$	1,550,000	\$	1,560,000	63738
System Lease Rental					
Payments					
GRF 100413 EDCS Lease Rental	\$	13,280,000	\$	13,275,000	63739
Payments					
GRF 100414 MARCS Lease Rental	\$	6,770,000	\$	6,770,000	63740
Payments					
GRF 100415 OAKS Lease Rental	\$	2,450,000	\$	2,450,000	63741
Payments					
GRF 100416 STARS Lease Rental	\$	5,000,000	\$	5,000,000	63742
Payments					
GRF 100447 Administrative	\$	88,000,000	\$	85,000,000	63743
Buildings Lease Rental					
Bond Payments					
GRF 100456 State IT Services	\$	1,413,165	\$	1,424,551	63744
GRF 100459 Ohio Business Gateway	\$	13,527,621	\$	13,527,621	63745
GRF 100469 Aronoff Center	\$	222,121	\$	222,121	63746
Building Maintenance					
GRF 100501 MARCS Fee Offset	\$	1,500,000	\$	1,500,000	63747
GRF 100504 Central Warehouse	\$	3,789,000	\$	9,955,000	63748
GRF 130321 State Agency Support	\$	49,748,264	\$	25,474,994	63749

Services

TOTAL GRF General Revenue Fund	\$	187,250,171	\$	166,159,287	63750
Dedicated Purpose Fund Group					63751
5CV1 100671 Coronavirus Relief -	\$	6,000,000	\$	0	63752
DAS					
5L70 100610 Professional	\$	1,650,000	\$	1,650,000	63753
Development					
5MV0 100662 Theater Equipment	\$	50,000	\$	50,000	63754
Maintenance					
5NM0 100663 911 Program	\$	586,070	\$	599,969	63755
5V60 100619 Employee Educational	\$	1,500,000	\$	1,600,000	63756
Development					
TOTAL DPF Dedicated Purpose Fund	\$	9,786,070	\$	3,899,969	63757
Group					
Internal Service Activity Fund Group					63758
1120 100616 DAS Administration	\$	13,253,998	\$	13,700,502	63759
1150 100632 Central Service Agency	\$	989,973	\$	1,013,812	63760
1170 100644 General Services	\$	25,686,811	\$	25,866,307	63761
Division - Operating					
1220 100637 Fleet Management	\$	26,492,047	\$	28,792,538	63762
1250 100622 Human Resources	\$	18,718,045	\$	19,178,890	63763
Division - Operating					
1250 100657 Benefits Communication	\$	615,521	\$	615,521	63764
1280 100620 Office of Collective	\$	4,385,893	\$	4,385,893	63765
Bargaining					
1300 100606 Risk Management	\$	17,904,121	\$	19,381,381	63766
Reserve					
1320 100631 DAS Building	\$	53,043,664	\$	53,323,205	63767
Management					
1330 100607 IT Services Delivery	\$	168,044,912	\$	173,182,510	63768
2100 100612 State Printing	\$	29,507,055	\$	28,719,641	63769
2290 100630 IT Governance	\$	30,073,302	\$	32,179,505	63770

2290	100640	Consolidated IT Purchases	\$	15,351,924	\$	15,351,924	63771
4270	100602	Investment Recovery	\$	1,664,257	\$	1,679,401	63772
4N60	100617	Major IT Purchases	\$	2,800,000	\$	2,800,000	63773
5C20	100605	MARCS Administration	\$	29,045,797	\$	30,882,138	63774
5EB0	100635	OAKS Support Organization	\$	58,738,136	\$	58,434,886	63775
5EB0	100656	OAKS Updates and Developments	\$	6,064,809	\$	6,146,812	63776
5JQ0	100658	Professionals Licensing System	\$	4,989,466	\$	5,111,024	63777
5KZ0	100659	Building Improvement	\$	1,675,000	\$	2,160,000	63778
5LJ0	100661	IT Development	\$	19,000,000	\$	16,500,000	63779
5PC0	100665	Enterprise Applications	\$	10,038,838	\$	10,601,983	63780
5WU0	100672	Ohio Benefits	\$	154,119,471	\$	154,276,578	63781
TOTAL ISA		Internal Service Activity	\$				63782
Fund Group			\$	692,203,040	\$	704,284,451	63783
Fiduciary Fund Group							63784
5UH0	100670	Enterprise Transactions	\$	1,150,000	\$	1,150,000	63785
TOTAL FID		Fiduciary Fund Group	\$	1,150,000	\$	1,150,000	63786
Federal Fund Group							63787
3AJ0	100623	Information Technology Grants	\$	10,000	\$	10,000	63788
TOTAL FED		Federal Fund Group	\$	10,000	\$	10,000	63789
TOTAL ALL BUDGET FUND GROUPS			\$	890,399,281	\$	875,503,707	63790

Section 207.20. UNEMPLOYMENT INSURANCE SYSTEM LEASE RENTAL PAYMENTS 63792
63793

The foregoing appropriation item 100412, Unemployment Insurance System Lease Rental Payments, shall be used to make 63794
63795

payments during the period from July 1, 2021, through June 30, 63796
2023, pursuant to leases and agreements entered into under Chapter 63797
125. of the Revised Code, as supplemented by Section 701.40 of 63798
H.B. 529 of the 132nd General Assembly, with respect to financing 63799
the costs associated with the acquisition, development, 63800
implementation, and integration of the Unemployment Insurance 63801
System. 63802

EDCS LEASE RENTAL PAYMENTS 63803

The foregoing appropriation item 100413, EDCS Lease Rental 63804
Payments, shall be used to make payments during the period from 63805
July 1, 2021, through June 30, 2023, pursuant to leases and 63806
agreements entered into under Chapter 125. of the Revised Code, as 63807
supplemented by Section 701.10 of H.B. 529 of the 132nd General 63808
Assembly, as amended by Section 601.10 of H.B. 166 of the 133rd 63809
General Assembly, and other prior acts of the General Assembly, 63810
with respect to financing the costs associated with the 63811
acquisition, development, implementation, and integration of the 63812
Enterprise Data Center Solutions (EDCS) information technology 63813
initiative. 63814

MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE RENTAL PAYMENTS 63815

The foregoing appropriation item 100414, MARCS Lease Rental 63816
Payments, shall be used to make payments during the period from 63817
July 1, 2021, through June 30, 2023, pursuant to leases and 63818
agreements entered into under Chapter 125. of the Revised Code, as 63819
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 63820
General Assembly and other prior acts of the General Assembly, 63821
with respect to financing the costs associated with the 63822
acquisition, development, implementation, and integration of the 63823
Multi-Agency Radio Communications System (MARCS) upgrade. 63824

OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE RENTAL PAYMENTS 63825

The foregoing appropriation item 100415, OAKS Lease Rental 63826

Payments, shall be used to make payments during the period from 63827
July 1, 2021, through June 30, 2023, pursuant to leases and 63828
agreements entered into under Chapter 125. of the Revised Code, as 63829
supplemented by Section 701.10 of H.B. 529 of the 132nd General 63830
Assembly and other prior acts of the General Assembly, with 63831
respect to financing the costs associated with the acquisition, 63832
development, implementation, and integration of the Ohio 63833
Administrative Knowledge System (OAKS). 63834

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 63835
PAYMENTS 63836

The foregoing appropriation item 100416, STARS Lease Rental 63837
Payments, shall be used to make payments during the period from 63838
July 1, 2021, through June 30, 2023, pursuant to leases and 63839
agreements entered into under Chapter 125. of the Revised Code, as 63840
supplemented by Section 701.30 of H.B. 529 of the 132nd General 63841
Assembly and other prior acts of the General Assembly, with 63842
respect to financing the costs associated with the acquisition, 63843
development, implementation, and integration of the State Taxation 63844
Accounting and Revenue System (STARS). 63845

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 63846

The foregoing appropriation item 100447, Administrative 63847
Buildings Lease Rental Bond Payments, shall be used to meet all 63848
payments during the period from July 1, 2021, through June 30, 63849
2023, by the Department of Administrative Services pursuant to 63850
leases and agreements under Chapters 152. and 154. of the Revised 63851
Code. These appropriations are the source of funds pledged for 63852
bond service charges on related obligations issued under Chapters 63853
152. and 154. of the Revised Code. 63854

MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT SERVICE PAYMENTS 63855

The Director of Administrative Services, in consultation with 63856
the Multi-Agency Radio Communication System (MARCS) Steering 63857

Committee and the Director of Budget and Management, shall 63858
determine the share of debt service payments attributable to 63859
spending for MARCS components that are not specific to any one 63860
agency and that shall be charged to the Public Safety - Highway 63861
Purposes Fund (Fund 5TM0). Such share of debt service payments 63862
shall be calculated for MARCS capital disbursements made beginning 63863
July 1, 1997. Within thirty days of any payment made from 63864
appropriation item 100447, Administrative Buildings Lease Rental 63865
Bond Payments, the Director of Administrative Services shall 63866
certify to the Director of Budget and Management the amount of 63867
this share. On or before June 30 of each fiscal year, the Director 63868
of Budget and Management may transfer an amount up to the amount 63869
certified for that fiscal year to the General Revenue Fund from 63870
the Public Safety - Highway Purposes Fund (Fund 5TM0) established 63871
in section 4501.06 of the Revised Code. 63872

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 63873
FUND 63874

The foregoing appropriation item 130321, State Agency Support 63875
Services, may be used to provide funding for the cost of property 63876
appraisals or building studies that the Department of 63877
Administrative Services may be required to obtain for property 63878
that is being sold by the state or property under consideration to 63879
be renovated or purchased by the state. 63880

Notwithstanding section 125.28 of the Revised Code, the 63881
foregoing appropriation item 130321, State Agency Support 63882
Services, also may be used to pay the operating expenses of state 63883
facilities maintained by the Department of Administrative Services 63884
that are not billed to building tenants, or other costs associated 63885
with the Voinovich Center in Youngstown, Ohio. These expenses may 63886
include, but are not limited to, the costs for vacant space and 63887
space undergoing renovation, and the rent expenses of tenants that 63888
are relocated because of building renovations. These payments may 63889

be processed by the Department of Administrative Services through 63890
intrastate transfer vouchers and placed into the Building 63891
Management Fund (Fund 1320). 63892

At least once per year, the portion of appropriation item 63893
130321, State Agency Support Services, that is not used for the 63894
regular expenses of the appropriation item may be processed by the 63895
Department of Administrative Services through intrastate transfer 63896
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 63897

Of the foregoing appropriation item 130321, State Agency 63898
Support Services, up to \$25,000,000 in fiscal year 2022 shall be 63899
used by the Department of Administrative Services, in coordination 63900
with the Department of Health, to support and or procure a 63901
comprehensive and integrated technology solution to align data 63902
systems and records and streamline timely data to improve and 63903
enhance disease reporting and healthcare delivery across the 63904
state. The system shall be developed with input from the 63905
Departments of Mental Health and Addiction Services, Job and 63906
Family Services, Medicaid, and other state agencies, boards, and 63907
commissions to ensure cross-agency system integration. On July 1, 63908
2022, or as soon as possible thereafter, the Director of 63909
Administrative Services may certify to the Director of Budget and 63910
Management an amount up to the unexpended, unencumbered balance of 63911
the foregoing appropriation item 130321, State Agency Support 63912
Services, at the end of fiscal year 2022 to be reappropriated to 63913
fiscal year 2023. The amount certified is hereby reappropriated to 63914
the same appropriation item for fiscal year 2023. 63915

CASH TRANSFER FROM THE MARCS ADMINISTRATION FUND TO THE GRF 63916

Upon the request of the Director of Administrative Services, 63917
the Director of Budget and Management may transfer unobligated 63918
cash in the MARCS Administration Fund (Fund 5C20) to the General 63919
Revenue Fund to reimburse the General Revenue Fund for lease 63920
rental payments made on behalf of the MARCS upgrade. 63921

Section 207.30. PROFESSIONAL DEVELOPMENT FUND 63922

The foregoing appropriation item 100610, Professional 63923
Development, shall be used to make payments from the Professional 63924
Development Fund (Fund 5L70) under section 124.182 of the Revised 63925
Code. If it is determined by the Director of Budget and Management 63926
that additional amounts are necessary, the amounts are hereby 63927
appropriated. 63928

911 PROGRAM 63929

The foregoing appropriation item 100663, 911 Program, shall 63930
be used by the Department of Administrative Services to pay the 63931
administrative, marketing, and educational costs of the Statewide 63932
Emergency Services Internet Protocol Network program. 63933

EMPLOYEE EDUCATIONAL DEVELOPMENT 63934

The foregoing appropriation item 100619, Employee Educational 63935
Development, shall be used to make payments from the Employee 63936
Educational Development Fund (Fund 5V60) under section 124.86 of 63937
the Revised Code. The fund shall be used to pay the costs of 63938
administering educational programs under existing collective 63939
bargaining agreements with District 1199, the Health Care and 63940
Social Service Union, Service Employees International Union; State 63941
Council of Professional Educators; Ohio Education Association and 63942
National Education Association; the Fraternal Order of Police 63943
State of Ohio, Unit 2 Association; and the Ohio State Troopers 63944
Association, Units 1 and 15. 63945

If it is determined by the Director of Budget and Management 63946
that additional amounts are necessary, the amounts are hereby 63947
appropriated. 63948

Section 207.40. GENERAL SERVICE CHARGES 63949

The Department of Administrative Services, with the approval 63950

of the Director of Budget and Management, shall establish charges 63951
for recovering the costs of administering the programs funded by 63952
the General Services Fund (Fund 1170) and the State Printing Fund 63953
(Fund 2100). 63954

COLLECTIVE BARGAINING ARBITRATION EXPENSES 63955

The Department of Administrative Services may seek 63956
reimbursement from state agencies for the actual costs and 63957
expenses the Department incurs in the collective bargaining 63958
arbitration process. The reimbursements shall be processed through 63959
intrastate transfer vouchers and credited to the Collective 63960
Bargaining Fund (Fund 1280). 63961

CONSOLIDATED IT PURCHASES 63962

The foregoing appropriation item 100640, Consolidated IT 63963
Purchases, shall be used by the Department of Administrative 63964
Services acting as the purchasing agent for one or more government 63965
entities under the authority of division (G) of section 125.18 of 63966
the Revised Code to make information technology purchases at a 63967
lower aggregate cost than each individual government entity could 63968
have obtained independently for that information technology 63969
purchase. 63970

INVESTMENT RECOVERY FUND 63971

Notwithstanding division (B) of section 125.14 of the Revised 63972
Code, cash balances in the Investment Recovery Fund (Fund 4270) 63973
may be used to support the operating expenses of the Federal 63974
Surplus Operating Program created in sections 125.84 to 125.90 of 63975
the Revised Code. 63976

MAJOR IT PURCHASES CHARGES 63977

Upon the request of the Director of Administrative Services, 63978
the Director of Budget and Management may transfer up to the 63979
amount collected for statewide indirect costs attributable to debt 63980

service paid for the enterprise data center solutions project from 63981
the General Revenue Fund to the Major Information Technology 63982
Purchases Fund (Fund 4N60). 63983

PROFESSIONS LICENSING SYSTEM 63984

The foregoing appropriation item, 100658, Ohio Professionals 63985
Licensing System, shall be used to purchase the equipment, 63986
products, and services necessary to update and maintain an 63987
automated licensing system for the professional licensing boards. 63988

The Department of Administrative Services shall establish 63989
charges for recovering the costs of ongoing maintenance of the 63990
system that are not otherwise recovered under section 125.18 of 63991
the Revised Code. The charges shall be billed to state agencies, 63992
boards, and commissions using the state's enterprise electronic 63993
licensing system and deposited via intrastate transfer vouchers to 63994
the credit of the Professions Licensing System Fund (Fund 5JQ0). 63995

Section 207.45. BUILDING IMPROVEMENT FUND 63996

The foregoing appropriation item 100659, Building 63997
Improvement, shall be used to make payments from the Building 63998
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 63999
required in facilities maintained by the Department of 64000
Administrative Services. The Department of Administrative Services 64001
shall conduct or contract for regular assessments of these 64002
buildings and may maintain a cash balance in Fund 5KZ0 equal to 64003
the cost of the repairs and improvements that are recommended to 64004
occur within the next five years, with the following exception 64005
described below. 64006

Upon request of the Director of Administrative Services, the 64007
Director of Budget and Management may permit a cash transfer from 64008
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 64009
of operating and maintaining facilities managed by the Department 64010

of Administrative Services that are not charged to tenants during 64011
the same fiscal year. 64012

Should the cash balance in Fund 1320 be determined to be 64013
sufficient, the Director of Administrative Services may request 64014
that the Director of Budget and Management transfer cash from Fund 64015
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 64016
made under this section plus applicable interest. 64017

INFORMATION TECHNOLOGY DEVELOPMENT 64018

The foregoing appropriation item 100661, IT Development, 64019
shall be used by the Department of Administrative Services to pay 64020
the costs of modernizing the state's information technology 64021
management and investment practices away from a limited, 64022
agency-specific focus in favor of a statewide methodology 64023
supporting development of enterprise solutions. This appropriation 64024
item may be used to pay the costs of enterprise information 64025
technology initiatives affecting state agencies or their 64026
customers. 64027

Notwithstanding any provision of law to the contrary, the 64028
Department of Administrative Services, with the approval of the 64029
Director of Budget and Management, may charge state agencies an 64030
information technology development assessment based on state 64031
agencies' information technology expenditures or other methodology 64032
and may assess fees or charges to entities that are not state 64033
agencies to offset the cost of specific technology events or 64034
services. The revenue from these assessments, fees, or charges 64035
shall be deposited into the Information Technology Development 64036
Fund (Fund 5LJ0), which is hereby created. 64037

Upon the request of the Director of Administrative Services, 64038
the Director of Budget and Management may transfer up to 64039
\$6,000,000 in cash in each fiscal year from the General Revenue 64040
Fund to the Information Technology Development Fund (Fund 5LJ0) to 64041

support the operations of the Office of InnovateOhio. 64042

STATE EEO FUND 64043

Effective July 1, 2021, the Director of Budget and Management 64044
shall cancel any existing encumbrances against appropriation item 64045
100649, Equal Opportunity Division - Operating, and reestablish 64046
them against appropriation item 100622, Human Resources Division - 64047
Operating. The reestablished encumbrance amounts are hereby 64048
appropriated. Any business commenced but not completed under 64049
appropriation item 100649, Equal Opportunity Division - Operating, 64050
by July 1, 2021, shall be completed under appropriation item 64051
100622, Human Resources Division - Operating, in the same manner, 64052
and with the same effect, as if completed with regard to 64053
appropriation item 100649, Equal Opportunity Division - Operating. 64054

The Director of Budget and Management shall transfer the 64055
amount of cash in the State EEO Fund (Fund 1880) that was received 64056
from agencies for actual expenditures deposited to the credit of 64057
the State EEO Fund (Fund 1880) into the Human Resources Services 64058
Fund (Fund 1250). In order to facilitate this transfer, the 64059
Director of Administrative Services, on July 1, 2021, or as soon 64060
as possible thereafter, shall certify to the Director of Budget 64061
and Management the amount to be transferred. 64062

ENTERPRISE APPLICATIONS 64063

The foregoing appropriation item 100665, Enterprise 64064
Applications, shall be used for the operation and management of 64065
information technology applications that support state agencies' 64066
objectives. Charges billed to benefiting agencies shall be 64067
deposited to the credit of the Enterprise Applications Fund (Fund 64068
5PC0). 64069

Section 207.50. ENTERPRISE IT STRATEGY IMPLEMENTATION 64070

The Director of Administrative Services shall determine and 64071

implement strategies that benefit the enterprise by improving 64072
efficiency, reducing costs, or enhancing capacity of information 64073
technology (IT) services. Such improvements and efficiencies may 64074
result in the consolidation and transfer of such services. As 64075
determined to be necessary for successful implementation of this 64076
section and notwithstanding any provision of law to the contrary, 64077
the Director of Administrative Services may request the Director 64078
of Budget and Management to consolidate or transfer IT-specific 64079
budget authority between agencies or within an agency as necessary 64080
to implement enterprise IT cost containment strategies and related 64081
efficiencies. Once the Director of Budget and Management is 64082
satisfied that the proposed initiative is cost advantageous to the 64083
enterprise, the Director of Budget and Management may transfer 64084
appropriations, funds, and cash as needed to implement the 64085
proposed initiative. The establishment of any new fund or 64086
additional appropriation as a result of this section shall be 64087
subject to Controlling Board approval. 64088

The Director of Budget and Management and the Director of 64089
Administrative Services may transfer any employees, assets, and 64090
liabilities, including, but not limited to, records, contracts, 64091
and agreements in order to facilitate the improvements determined 64092
in accordance with this section. 64093

Section 209.10. AGE DEPARTMENT OF AGING 64094

General Revenue Fund 64095

GRF 490321 Operating Expenses \$ 1,724,070 \$ 1,745,504 64096

GRF 490410 Long-Term Care \$ 3,112,901 \$ 3,112,901 64097

Ombudsman

GRF 490411 Senior Community \$ 8,723,995 \$ 8,662,042 64098

Services

GRF 490414 Alzheimer's and Other \$ 2,495,245 \$ 2,495,245 64099

Dementia Respite

GRF	490506	National Senior Service Corps	\$	222,792	\$	222,792	64100
GRF	656423	Long-Term Care Budget - State	\$	5,154,308	\$	5,194,827	64101
TOTAL GRF		General Revenue Fund	\$	21,433,311	\$	21,433,311	64102
		Dedicated Purpose Fund Group					64103
4800	490606	Senior Community Outreach and Education	\$	385,964	\$	380,761	64104
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	1,000,000	\$	1,000,000	64105
5BA0	490620	Ombudsman Support	\$	1,532,273	\$	1,532,919	64106
5K90	490613	Long-Term Care Consumers Guide	\$	401,640	\$	1,427,072	64107
5MT0	490627	Board of Executives of Long-Term Services and Supports	\$	750,838	\$	761,056	64108
5T40	656625	Health Care Grants - State	\$	200,000	\$	200,000	64109
5TI0	656624	Provider Certification	\$	120,000	\$	120,000	64110
5W10	490616	Resident Services Coordinator Program	\$	344,934	\$	345,050	64111
5XT0	490628	At Home Technology Pilot Program	\$	250,000	\$	250,000	64112
TOTAL DPF		Dedicated Purpose Fund Group	\$	4,985,649	\$	6,016,858	64113 64114
		Federal Fund Group					64115
3220	490618	Federal Aging Grants	\$	9,435,514	\$	8,860,830	64116
3C40	656623	Long Term Care Budget - Federal	\$	4,790,982	\$	4,839,274	64117

3M40 490612	Federal Independence	\$	62,630,274	\$	57,726,103	64118
	Services					
TOTAL FED	Federal Fund Group	\$	76,856,770	\$	71,426,207	64119
TOTAL ALL BUDGET	FUND GROUPS	\$	103,275,730	\$	98,876,376	64120

Section 209.20. LONG-TERM CARE 64122

Pursuant to an interagency agreement, the Department of 64123
Medicaid may designate the Department of Aging to perform 64124
assessments under section 5165.04 of the Revised Code. The 64125
Department of Aging shall provide long-term care consultations 64126
under section 173.42 of the Revised Code to assist individuals in 64127
planning for their long-term health care needs. 64128

The Department of Aging shall administer the Medicaid 64129
waiver-funded PASSPORT Home Care Program, the Assisted Living 64130
Program, and PACE as delegated by the Department of Medicaid in an 64131
interagency agreement. 64132

PERFORMANCE-BASED REIMBURSEMENT 64133

In order to improve health outcomes among populations served 64134
by PASSPORT administrative agencies, the Department of Aging 64135
through rules adopted in accordance with Chapter 119. of the 64136
Revised Code, may design and utilize a payment method for PASSPORT 64137
administrative agency operations that includes a 64138
pay-for-performance incentive component that is earned by a 64139
PASSPORT administrative agency when defined consumer and policy 64140
outcomes are achieved. Prior to filing with the Joint Committee on 64141
Agency Rule Review, as provided in section 119.03 of the Revised 64142
Code, a proposed rule related to a payment method that includes a 64143
pay-for-performance incentive component, the Department shall 64144
submit a report to the Joint Medicaid Oversight Committee 64145
outlining the payment method. 64146

Section 209.30. MYCARE OHIO 64147

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

The foregoing appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited to, home-delivered meals, congregate dining, transportation, personal care, respite, adult day services, home maintenance and chores, minor home modification, care coordination, evidence-based disease prevention and health promotion, and decision support systems. Funds may also be used to provide grants to community organizations to support and expand older adult programming. Services priority shall be given to low-income, high-need persons, and/or persons with a cognitive impairment who are sixty years of age or over.

NATIONAL SENIOR SERVICE CORPS

The foregoing appropriation item 490506, National Senior Service Corps, may be used by the Department of Aging to fund grants to organizations that receive federal funds from the Corporation for National and Community Service to support the following Senior Corps programs: the Foster Grandparents Program, the Senior Companion Program, and the Retired Senior Volunteer Program. A recipient of these grant funds shall use the funds to support priorities established by the Department and the Ohio State Office of the Corporation for National and Community Service. Neither the Department nor any area agencies on aging that are involved in the distribution of these funds to lower-tiered grant recipients may use any portion of these funds to cover administrative costs.

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 64179

The foregoing appropriation item 490627, Board of Executives 64180
of Long-Term Services and Supports, may be used by the Board of 64181
Executives of Long-Term Services and Supports to administer and 64182
enforce Chapter 4751. of the Revised Code and rules adopted under 64183
it. 64184

Section 209.40. AT HOME TECHNOLOGY PILOT PROGRAM 64185

(A) During fiscal year 2022 and fiscal year 2023, the 64186
Department of Aging shall operate an At Home Technology Pilot 64187
Program under which the Department awards grants to service 64188
providers for the purpose of initiating or enhancing the 64189
providers' utilization of remote monitoring technologies that 64190
assist older adults in their ability to continue residing in their 64191
homes, residential care facilities, or other community-based 64192
settings. Examples of such technologies include those that do any 64193
of the following: 64194

(1) Actively monitor vital signs and other health-related 64195
data; 64196

(2) Track wake and sleep times or other milestone moments in 64197
daily living; 64198

(3) Assist in maintaining a healthy, connected quality of 64199
life at home, in a residential care facility, or in another 64200
community-based setting. 64201

(B) At the conclusion of the Pilot Program, the Department 64202
shall prepare a report regarding the efficacy of the Pilot Program 64203
and outcomes regarding the health of individuals served by the 64204
Pilot Program. The report shall be submitted to the Governor, the 64205
President of the Senate, the Speaker of the House of 64206
Representatives, and to the chairpersons of the Senate and House 64207
of Representatives standing committees that consider aging issues. 64208

(C) The foregoing appropriation item 490XXX, At Home Technology Pilot Program, shall be used for the At Home Technology Pilot Program.

Section 211.10. AGR DEPARTMENT OF AGRICULTURE				64212
General Revenue Fund				64213
GRF 700401	Animal Health Programs	\$ 4,517,266	\$ 4,388,181	64214
GRF 700403	Dairy Division	\$ 1,292,929	\$ 1,342,866	64215
GRF 700404	Ohio Proud	\$ 102,734	\$ 105,096	64216
GRF 700406	Consumer Protection Lab	\$ 1,467,261	\$ 1,389,965	64217
GRF 700407	Food Safety	\$ 1,376,113	\$ 1,408,710	64218
GRF 700409	Farmland Preservation	\$ 500,000	\$ 500,000	64219
GRF 700410	Plant Industry	\$ 151,708	\$ 155,449	64220
GRF 700412	Weights and Measures	\$ 631,487	\$ 631,487	64221
GRF 700415	Poultry Inspection	\$ 832,288	\$ 851,470	64222
GRF 700417	Soil and Water Phosphorus Program	\$ 10,700,000	\$ 10,700,000	64223
GRF 700418	Livestock Regulation Program	\$ 1,281,483	\$ 1,325,467	64224
GRF 700424	Livestock Testing and Inspections	\$ 119,843	\$ 122,240	64225
GRF 700426	Dangerous and Restricted Animals	\$ 618,447	\$ 631,310	64226
GRF 700427	High Volume Breeder Kennel Control	\$ 1,269,865	\$ 1,300,401	64227
GRF 700428	Soil and Water Division	\$ 3,658,683	\$ 3,658,683	64228
GRF 700499	Meat Inspection Program - State Share	\$ 6,485,605	\$ 6,672,501	64229
GRF 700501	County Agricultural Societies	\$ 379,673	\$ 379,673	64230

GRF 700509	Soil and Water	\$	11,760,000	\$	11,760,000	64231
	District Support					
GRF 700511	Ride Inspection	\$	900,000	\$	600,000	64232
GRF 700674	Hemp Production	\$	195,000	\$	195,000	64233
TOTAL GRF	General Revenue Fund	\$	48,240,385	\$	48,118,499	64234
	Dedicated Purpose Fund Group					64235
4900 700651	License Plates -	\$	17,500	\$	17,500	64236
	Sustainable					
	Agriculture					
4940 700612	Agricultural	\$	240,000	\$	240,000	64237
	Commodity Marketing					
	Program					
4960 700626	Ohio Grape Industries	\$	1,550,000	\$	1,550,000	64238
4970 700627	Grain Warehouse	\$	425,000	\$	425,000	64239
	Program					
4C90 700605	Commercial Feed and	\$	2,326,251	\$	2,326,251	64240
	Seed					
4D20 700609	Auction Education	\$	50,000	\$	50,000	64241
4E40 700606	Utility Radiological	\$	101,130	\$	101,130	64242
	Safety					
4P70 700610	Food Safety	\$	1,071,208	\$	1,096,240	64243
	Inspection					
4R00 700636	Ohio Proud Marketing	\$	30,500	\$	30,500	64244
4R20 700637	Dairy Industry	\$	1,832,950	\$	1,832,950	64245
	Inspection					
4T60 700611	Poultry and Meat	\$	100,000	\$	100,000	64246
	Inspection					
5780 700620	Ride Inspection	\$	700,000	\$	1,200,000	64247
5B80 700629	Auctioneers	\$	361,450	\$	361,450	64248
5BV0 700660	Heidelberg Water	\$	275,000	\$	275,000	64249
	Quality Lab					
5BV0 700661	Soil and Water	\$	8,000,000	\$	8,000,000	64250
	Districts					

5CV1	700672	Coronavirus Relief - Local Fairs	\$	1,000,000	\$	0	64251
5FC0	700648	Plant Pest Program	\$	1,554,599	\$	1,590,615	64252
5H20	700608	Metrology Lab and Scale Certification	\$	975,000	\$	975,000	64253
5L80	700604	Livestock Management Program	\$	245,000	\$	245,000	64254
5MA0	700657	Dangerous and Restricted Animals	\$	10,000	\$	10,000	64255
5MR0	700658	High Volume Breeders and Kennels	\$	460,000	\$	460,000	64256
5MS0	700659	Captive Deer	\$	18,000	\$	18,000	64257
5PL0	700662	Pet Store License	\$	30,000	\$	30,000	64258
5QW0	700653	Watershed Assistance	\$	515,000	\$	515,000	64259
5WJ0	700671	Hemp Program	\$	1,006,000	\$	1,006,000	64260
5XS0	700675	Meat Processing Investment Program	\$	10,000,000	\$	0	64261
6520	700634	Animal, Consumer, and ATL Labs	\$	5,840,522	\$	5,962,715	64262
6690	700635	Pesticide, Fertilizer, and Lime Inspection Program	\$	4,894,402	\$	4,894,402	64263
6H20	700670	H2Ohio	\$	39,300,000	\$	39,300,000	64264
TOTAL DPF Dedicated Purpose							64265
Fund Group			\$	82,929,512	\$	72,612,753	64266
Internal Service Activity Fund Group							64267
5DA0	700644	Laboratory Administration Support	\$	1,204,626	\$	1,204,626	64268
5GH0	700655	Administrative Support	\$	5,677,844	\$	5,813,996	64269
TOTAL ISA Internal Service Activity							64270
Fund Group			\$	6,882,470		7,018,622	64271

Capital Projects Fund Group					64272
7057 700632 Clean Ohio	\$	610,000	\$	610,000	64273
Agricultural Easement					
Operating					
TOTAL CPF Capital Projects Fund	\$	610,000	\$	610,000	64274
Group					
Federal Fund Group					64275
3260 700618 Meat Inspection	\$	5,194,424	\$	5,194,424	64276
Program - Federal					
Share					
3360 700617 Ohio Farm Loan -	\$	225,000	\$	225,000	64277
Revolving					
3820 700601 Federal Cooperative	\$	7,000,000	\$	7,000,000	64278
Contracts					
3AB0 700641 Agricultural Easement	\$	330,000	\$	330,000	64279
3J40 700607 Federal	\$	1,237,587	\$	1,264,214	64280
Administrative					
Programs					
3R20 700614 Federal Plant	\$	7,295,972	\$	7,295,972	64281
Industry					
TOTAL FED Federal Fund Group	\$	21,282,983	\$	21,309,610	64282
TOTAL ALL BUDGET FUND GROUPS	\$	159,945,350	\$	149,669,484	64283

Section 211.20. SOIL AND WATER PHOSPHORUS PROGRAM 64285

The Department of Agriculture shall establish programs to 64286
assist in reducing total phosphorus and dissolved reactive 64287
phosphorus in the Western Lake Erie Basin. The programs shall give 64288
priority to those subwatersheds determined to be highest in total 64289
phosphorus and dissolved reactive phosphorus nutrient loading. 64290

The foregoing appropriation item 700417, Soil and Water 64291
Phosphorus Program, shall be used to support the programs 64292
described above, which may include but not be limited to, the 64293

following: (1) equipment for subsurface placement of nutrients 64294
into the soil; (2) equipment for nutrient placement based on 64295
geographic information system data; (3) soil testing; (4) 64296
implementation of variable rate technology; (5) equipment 64297
implementing manure transformation and manure conversion 64298
technologies; (6) tributary monitoring; (7) water management and 64299
edge-of-field drainage management; and (8) an agricultural 64300
phosphorus reduction revolving loan program. Not more than forty 64301
per cent of the foregoing appropriation item 700417, Soil and 64302
Water Phosphorus Program, shall be used for any single activity. 64303

DANGEROUS AND RESTRICTED WILD ANIMALS 64304

The foregoing appropriation item 700426, Dangerous and 64305
Restricted Animals, shall be used to administer the Dangerous and 64306
Restricted Wild Animal Permitting Program. 64307

COUNTY AGRICULTURAL SOCIETIES 64308

The foregoing appropriation item 700501, County Agricultural 64309
Societies, shall be used to reimburse county and independent 64310
agricultural societies for expenses related to Junior Fair 64311
activities. 64312

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE 64313
BASIN 64314

Of the foregoing appropriation item 700509, Soil and Water 64315
District Support, \$350,000 in each fiscal year shall be used by 64316
the Department of Agriculture for a program to support soil and 64317
water conservation districts in the Western Lake Erie Basin in 64318
complying with provisions of Sub. S.B. 1 of the 131st General 64319
Assembly. The Department shall approve a soil and water district's 64320
application for funding under the program if the application 64321
demonstrates that funding will be used for, but not limited to, 64322
providing technical assistance, developing applicable nutrient or 64323
manure management plans, hiring and training of soil and water 64324

conservation district staff on best conservation practices, or 64325
other activities the Director determines appropriate to assist 64326
farmers in the Western Lake Erie Basin in complying with the 64327
provisions of Sub. S.B. 1 of the 131st General Assembly. 64328

Of the foregoing appropriation item 700509, Soil and Water 64329
District Support, \$3,500,000 in each fiscal year shall be used to 64330
support county soil and water conservation districts in the 64331
Western Lake Erie Basin for staffing costs and to assist in soil 64332
testing and nutrient management plan development, including manure 64333
transformation and manure conversion technologies, enhanced filter 64334
strips, water management, and other conservation support. 64335

SOIL AND WATER DISTRICTS 64336

In addition to state payments to soil and water conservation 64337
districts authorized by section 940.15 of the Revised Code, the 64338
Department of Agriculture may use appropriation item 700661, Soil 64339
and Water Districts, to pay any soil and water conservation 64340
district an annual amount not to exceed \$40,000 upon receipt of a 64341
request and justification from the district and approval by the 64342
Ohio Soil and Water Conservation Commission. The county auditor 64343
shall credit the payments to the special fund established under 64344
section 940.12 of the Revised Code for use by the local soil and 64345
water conservation district. The amounts received by each district 64346
shall be expended for the purposes of the district. 64347

CORONAVIRUS - LOCAL FAIRS 64348

The foregoing appropriation item 700672, Coronavirus Relief - 64349
Local Fairs, shall be used to support safety in connection with 64350
the Ohio State Fair in fiscal year 2022. 64351

MEAT PROCESSING INVESTMENT PROGRAM 64352

The foregoing appropriation item 700675, Meat Processing 64353
Investment Program, shall be used to make grants to meat 64354
processing plants for facility improvements and capacity 64355

expansion, including but not limited to equipment purchases or 64356
upgrades, training, and process improvements. 64357

H2OHIO FUND 64358

Upon the written request of the Director of Agriculture, and 64359
subject to the approval of the Controlling Board, the Director of 64360
Budget and Management may increase the appropriation under the 64361
foregoing appropriation item 700660, H2Ohio, up to \$10,000,000 in 64362
each fiscal year. The increased amount approved by the Controlling 64363
Board is hereby appropriated. 64364

On July 1, 2022, or as soon as possible thereafter, the 64365
Director of Agriculture may certify to the Director of Budget and 64366
Management an amount up to the unexpended, unencumbered balance of 64367
the foregoing appropriation item, 700670, H2Ohio, at the end of 64368
fiscal year 2022 to be reappropriated in fiscal year 2023. Upon 64369
Controlling Board approval, the amount certified is hereby 64370
reappropriated to the same appropriation item for fiscal year 64371
2023. 64372

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 64373

The foregoing appropriation item 700632, Clean Ohio 64374
Agricultural Easement Operating, shall be used by the Department 64375
of Agriculture in administering Clean Ohio Agricultural Easement 64376
Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 64377
5301.67 to 5301.70 of the Revised Code. 64378

CASH TRANSFER TO AUCTIONEERS FUND 64379

On or before December 31, 2021, upon the request of the 64380
Director of Agriculture, and subject to the approval of the 64381
Controlling Board, the Director of Budget and Management may 64382
transfer up to \$300,000 in cash from the Auction Recovery Fund 64383
(5U10) to the Auctioneers Fund (5B80). 64384

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 64385

Dedicated Purpose Fund Group					64386
4Z90 898602 Small Business	\$	209,000	\$	211,000	64387
Ombudsman					
5700 898601 Operating Expenses	\$	774,811	\$	783,347	64388
5A00 898603 Small Business	\$	300,000	\$	300,000	64389
Assistance					
TOTAL DPF Dedicated Purpose Fund	\$	1,283,811	\$	1,294,347	64390
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,283,811	\$	1,294,347	64391

Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 64393

AUTHORITY TRUST ACCOUNT 64394

Notwithstanding any other provision of law to the contrary, 64395
the Air Quality Development Authority may reimburse the Air 64396
Quality Development Authority trust account established under 64397
section 3706.10 of the Revised Code from all operating funds of 64398
the agency for expenses pertaining to the administration and 64399
shared costs incurred by the Air Quality Development Authority in 64400
the execution of responsibilities as prescribed in Chapter 3706. 64401
of the Revised Code. The reimbursement shall be made by voucher. 64402

Section 215.10. ARC ARCHITECTS BOARDS 64403

Dedicated Purpose Fund Group					64404
4K90 891609 Operating	\$	633,410	\$	644,408	64405
TOTAL DPF Dedicated Purpose Fund					64406
Group	\$	633,410	\$	644,408	64407
TOTAL ALL BUDGET FUND GROUPS	\$	633,410	\$	644,408	64408

Section 217.10. ART OHIO ARTS COUNCIL 64410

General Revenue Fund					64411
GRF 370321 Operating Expenses	\$	1,961,700	\$	1,961,700	64412
GRF 370502 State Program	\$	15,469,213	\$	15,469,213	64413

Subsidies

TOTAL GRF General Revenue Fund	\$	17,430,913	\$	17,430,913	64414
Dedicated Purpose Fund Group					64415
4600 370602 Arts Council Program	\$	385,000	\$	385,000	64416
Support					
4B70 370603 Percent for Art	\$	165,000	\$	165,000	64417
Acquisitions					
TOTAL DPF Dedicated Purpose Fund	\$	550,000	\$	550,000	64418
Group					
Federal Fund Group					64419
3140 370601 Federal Support	\$	1,250,000	\$	1,250,000	64420
TOTAL FED Federal Fund Group	\$	1,250,000	\$	1,250,000	64421
TOTAL ALL BUDGET FUND GROUPS	\$	19,230,913	\$	19,230,913	64422

FEDERAL SUPPORT 64423

Notwithstanding any provision of law to the contrary, the 64424
foregoing appropriation item 370601, Federal Support, shall be 64425
used by the Ohio Arts Council for subsidies only, and not for its 64426
administrative costs, unless the Council is required to use a 64427
portion of the funds for administrative costs under conditions of 64428
the federal grant. 64429

Section 219.10. ATH ATHLETIC COMMISSION 64430

Dedicated Purpose Fund Group					64431
4K90 175609 Operating Expenses	\$	280,501	\$	275,423	64432
TOTAL DPF Dedicated Purpose Fund	\$	280,501	\$	275,423	64433
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	280,501	\$	275,423	64434

Section 221.10. AGO ATTORNEY GENERAL 64436

General Revenue Fund					64437
GRF 055321 Operating Expenses	\$	67,000,000	\$	67,830,000	64438

GRF	055405	Law-Related Education	\$	68,950	\$	68,950	64439
GRF	055406	BCIRS Lease Rental Payments	\$	2,525,000	\$	2,520,000	64440
GRF	055411	County Sheriffs' Pay Supplement	\$	1,024,983	\$	1,043,558	64441
GRF	055415	County Prosecutors' Pay Supplement	\$	1,317,602	\$	1,340,208	64442
GRF	055431	Drug Abuse Response Team Grants	\$	1,500,000	\$	1,500,000	64443
GRF	055432	Drug Testing Equipment	\$	964,100	\$	964,100	64444
GRF	055434	ICAC Task Force	\$	500,000	\$	500,000	64445
GRF	055440	Rapid DNA Pilot Project	\$	1,000,000	\$	400,000	64446
GRF	055501	Rape Crisis Centers	\$	7,300,000	\$	7,300,000	64447
GRF	055502	School Safety Training Grants	\$	12,000,000	\$	12,000,000	64448
GRF	055504	Domestic Violence Programs	\$	2,525,000	\$	2,500,000	64449
TOTAL GRF		General Revenue Fund	\$	97,725,635	\$	97,966,816	64450
		Dedicated Purpose Fund Group					64451
1060	055612	Attorney General Operating	\$	72,700,000	\$	72,700,000	64452
4020	055616	Victims of Crime	\$	16,500,000	\$	16,500,000	64453
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	64454
4180	055615	Charitable Foundations	\$	8,286,000	\$	8,286,000	64455
4190	055623	Claims Section	\$	40,000,000	\$	42,000,000	64456
4210	055617	Police Officers' Training Academy Fee	\$	1,500,000	\$	1,500,000	64457
4L60	055606	DARE Programs	\$	2,900,000	\$	2,900,000	64458
4Y70	055608	Title Defect Recision	\$	1,013,751	\$	1,013,751	64459

4Z20	055609	BCI Asset Forfeiture and Cost Reimbursement	\$	1,000,000	\$	1,000,000	64460
5900	055633	Peace Officer Private Security Training	\$	95,325	\$	95,325	64461
5A90	055618	Telemarketing Fraud Enforcement	\$	10,000	\$	10,000	64462
5LR0	055655	Peace Officer Training - Casino	\$	4,700,000	\$	4,700,000	64463
5TL0	055659	Organized Crime Law Enforcement Trust	\$	100,000	\$	100,000	64464
6310	055637	Consumer Protection Enforcement	\$	9,276,000	\$	9,276,000	64465
6590	055641	Solid and Hazardous Waste Background Investigations	\$	328,728	\$	328,728	64466
U087	055402	Tobacco Settlement Oversight, Administration, and Enforcement	\$	2,650,000	\$	2,650,000	64467
TOTAL DPF	Dedicated Purpose Fund						64468
Group			\$	161,084,804	\$	163,084,804	64469
Internal Service Activity Fund Group							64470
1950	055660	Workers' Compensation Section	\$	9,115,000	\$	9,115,000	64471
TOTAL ISA	Internal Service Activity		\$	9,115,000	\$	9,115,000	64472
Fund Group							
Holding Account Fund Group							64473
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	64474
R005	055632	Antitrust Settlements	\$	1,000,000	\$	1,000,000	64475
R018	055630	Consumer Frauds	\$	1,000,000	\$	1,000,000	64476

R042	055601	Organized Crime Commission Distributions	\$	750,000	\$	750,000	64477
R054	055650	Collection Payment Redistribution	\$	4,500,000	\$	4,500,000	64478
TOTAL HLD Holding Account							64479
Fund Group			\$	8,250,000	\$	8,250,000	64480
Federal Fund Group							64481
3060	055620	Medicaid Fraud Control	\$	13,561,582	\$	13,561,582	64482
3830	055634	Crime Victims Assistance	\$	90,000,000	\$	90,000,000	64483
3E50	055638	Attorney General Pass-Through Funds	\$	4,020,999	\$	4,020,999	64484
3FV0	055656	Crime Victim Compensation	\$	5,000,000	\$	5,000,000	64485
3R60	055613	Attorney General Federal Funds	\$	3,500,000	\$	3,500,000	64486
TOTAL FED Federal Fund Group			\$	116,082,581	\$	116,082,581	64487
TOTAL ALL BUDGET FUND GROUPS			\$	392,258,020	\$	394,499,201	64488

Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 64490
 SCIENCE 64491

Of the foregoing appropriation item 055321, Operating Expenses, \$600,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. 64492
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DOMESTIC VIOLENCE PROGRAM 64499

Of the foregoing appropriation item 055321, Operating 64500

Expenses, \$100,000 in each fiscal year may be used by the Attorney 64501
General for the purpose of providing funding to domestic violence 64502
programs as defined in section 109.46 of the Revised Code. 64503

NARCOTICS TASK FORCES 64504

Of the foregoing appropriation item 055321, Operating 64505
Expenses, up to \$500,000 in each fiscal year shall be used to 64506
support narcotics task forces funded by the Attorney General. 64507

BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE 64508
RENTAL PAYMENTS 64509

The foregoing appropriation item 055406, BCIRS Lease Rental 64510
Payments, shall be used for payments during the period from July 64511
1, 2021, through June 30, 2023, pursuant to leases and agreements 64512
entered into pursuant to Section 701.40 of S.B. 310 of the 131st 64513
General Assembly and other prior acts of the General Assembly, 64514
with respect to financing the costs associated with the 64515
acquisition, development, implementation, and integration of the 64516
BCIRS. 64517

COUNTY SHERIFFS' PAY SUPPLEMENT 64518

The foregoing appropriation item 055411, County Sheriffs' Pay 64519
Supplement, shall be used for the purpose of supplementing the 64520
annual compensation of county sheriffs as required by section 64521
325.06 of the Revised Code. 64522

At the request of the Attorney General, the Director of 64523
Budget and Management may transfer appropriation from 64524
appropriation item 055321, Operating Expenses, to appropriation 64525
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 64526
transferred shall be used to supplement the annual compensation of 64527
county sheriffs as required by section 325.06 of the Revised Code. 64528

COUNTY PROSECUTORS' PAY SUPPLEMENT 64529

The foregoing appropriation item 055415, County Prosecutors' 64530

Pay Supplement, shall be used for the purpose of supplementing the 64531
annual compensation of certain county prosecutors as required by 64532
section 325.111 of the Revised Code. 64533

At the request of the Attorney General, the Director of 64534
Budget and Management may transfer appropriation from 64535
appropriation item 055321, Operating Expenses, to appropriation 64536
item 055415, County Prosecutors' Pay Supplement. Any appropriation 64537
so transferred shall be used to supplement the annual compensation 64538
of county prosecutors as required by section 325.111 of the 64539
Revised Code. 64540

DRUG TESTING EQUIPMENT 64541

The foregoing appropriation item 055432, Drug Testing 64542
Equipment, shall be used to purchase drug testing equipment for 64543
the Bureau of Criminal Identification and Investigation. 64544

ICAC TASK FORCE 64545

The foregoing appropriation item 055434, ICAC Task Force, 64546
shall be used by the Attorney General in support of the Ohio 64547
Internet Crimes Against Children Task Force for the purposes 64548
described in section 195.02 of the Revised Code. 64549

RAPID DNA PILOT PROJECT 64550

The foregoing appropriation item 055440, Rapid DNA Pilot 64551
Project, shall be used to fund the necessary expenses incurred by 64552
the Bureau of Criminal Identification and Investigation to pilot 64553
rapid DNA technology with cooperating local law enforcement 64554
agencies. 64555

Section 221.30. BATTERED WOMEN'S SHELTER 64556

Of the foregoing appropriation item 055504, Domestic Violence 64557
Programs, \$50,000 in each fiscal year shall be distributed to the 64558
Battered Women's Shelter of Summit and Medina counties for the 64559
cost of operating the commercial kitchen located at its Market 64560

Street Facility, and \$50,000 in each fiscal year shall be 64561
distributed to the Battered Women's Shelter of Portage County. 64562

FINDING MY CHILDHOOD AGAIN PILOT PROGRAM 64563

Of the foregoing appropriation item 055504, Domestic Violence 64564
Programs, \$300,000 in each fiscal year shall be distributed to the 64565
Battered Women's Shelter of Summit and Medina counties for 64566
expenses related to the creation and implementation of a pilot 64567
program called "Finding my Childhood Again." 64568

DRUG ABUSE RESPONSE TEAM GRANT PROGRAM 64569

The Attorney General shall maintain the Drug Abuse Response 64570
Team Grant Program for the purpose of replicating or expanding 64571
successful law enforcement programs that address the opioid 64572
epidemic similar to the Drug Abuse Response Team established by 64573
the Lucas County Sheriff's Department, and the Quick Response 64574
Teams established in Colerain Township's Department of Public 64575
Safety in Hamilton County and Summit County. Any grants awarded by 64576
this grant program may include requirements for private or 64577
nonprofit matching support. 64578

The foregoing appropriation item 055431, Drug Abuse Response 64579
Team Grants, shall be used by the Attorney General to fund grants 64580
to law enforcement or other government agencies; the primary 64581
purpose of the grants shall be to replicate or expand successful 64582
law enforcement programs that address the opioid epidemic similar 64583
to the Drug Abuse Response Team established by the Lucas County 64584
Sheriff's Department and the Quick Response Teams established in 64585
Colerain Township's Department of Public Safety in Hamilton County 64586
and Summit County. 64587

Each recipient of a grant under this program shall, within 64588
six months of the end date of the grant, submit a written report 64589
describing the outcomes that resulted from the grant to the 64590
Governor, the President of the Senate, the Speaker of the House of 64591

Representatives, the Minority Leader of the Senate, and the 64592
Minority Leader of the House of Representatives. 64593

SCHOOL SAFETY TRAINING GRANTS 64594

(A) The foregoing appropriation item 055502, School Safety 64595
Training Grants, shall be used by the Attorney General, in 64596
consultation with the Superintendent of Public Instruction and the 64597
Director of Mental Health and Addiction Services, solely to make 64598
grants to public and chartered nonpublic schools, educational 64599
service centers, local law enforcement agencies, and schools 64600
operated by county boards of developmental disabilities 64601
administering special education services programs pursuant to 64602
section 5126.05 of the Revised Code for school safety and school 64603
climate programs and training. 64604

(B) The use of the grants includes, but is not limited to, 64605
all of the following: 64606

(1) The support of school resource officer certification 64607
training; 64608

(2) Any type of active shooter and school safety training or 64609
equipment; 64610

(3) All grade level type educational resources; 64611

(4) Training to identify and assist students with mental 64612
health issues; 64613

(5) School supplies or equipment related to school safety or 64614
for implementing the school's safety plan; 64615

(6) Any other training related to school safety. 64616

(C) The schools, educational service centers, and county 64617
boards shall work or contract with the county sheriff's office or 64618
a local police department in whose jurisdiction they are located 64619
to develop the programs and training described in divisions 64620

(B)(1), (2), (3), (5), and (6) of this section. Any grant awarded 64621

directly to a local law enforcement agency shall not be used to 64622
fund a similar request made by a school located within the 64623
jurisdiction of the local law enforcement agency. 64624

(D) As used in this section, "public school" means any school 64625
operated by a school district board of education, any community 64626
school established under Chapter 3314. of the Revised Code, and 64627
any STEM school established under Chapter 3326. of the Revised 64628
Code. 64629

DOMESTIC VIOLENCE PROGRAMS 64630

The foregoing appropriation item 055504, Domestic Violence 64631
Programs, shall be used by the Attorney General for the purpose of 64632
funding domestic violence programs as defined in section 109.46 of 64633
the Revised Code. 64634

Of the foregoing appropriation item 055504, Domestic Violence 64635
Programs, \$25,000 in fiscal year 2022 shall be provided as grants 64636
to Ohio domestic violence shelters to buy transportation vouchers, 64637
ridesharing credits, or gas cards for eligible clients. The 64638
Attorney General shall adopt any rules necessary for the 64639
administration of the grant program. 64640

PIKE COUNTY CAPITAL CASE 64641

An amount equal to the unexpended, unencumbered balance of 64642
appropriation item 055505, Pike County Capital Case, at the end of 64643
fiscal year 2021 is hereby reappropriated to the same 64644
appropriation item for the same purpose in fiscal year 2022. 64645

WORKERS' COMPENSATION SECTION 64646

The Workers' Compensation Fund (Fund 1950) is entitled to 64647
receive quarterly payments from the Bureau of Workers' 64648
Compensation and the Ohio Industrial Commission to fund legal 64649
services provided to the Bureau of Workers' Compensation and the 64650
Ohio Industrial Commission during the fiscal year. 64651

In addition, the Bureau of Workers' Compensation shall 64652
transfer payments for the support of the Workers' Compensation 64653
Fraud Unit. 64654

All amounts shall be mutually agreed upon by the Attorney 64655
General, the Bureau of Workers' Compensation, and the Ohio 64656
Industrial Commission. 64657

GENERAL HOLDING ACCOUNT 64658

The foregoing appropriation item 055631, General Holding 64659
Account, shall be used to distribute moneys under the terms of 64660
relevant court orders or other settlements received in a variety 64661
of cases involving the Office of the Attorney General. If it is 64662
determined that additional amounts are necessary for this purpose, 64663
the amounts are hereby appropriated. 64664

ANTITRUST SETTLEMENTS 64665

The foregoing appropriation item 055632, Antitrust 64666
Settlements, shall be used to distribute moneys under the terms of 64667
relevant court orders or other out-of-court settlements in 64668
antitrust cases or antitrust matters involving the Office of the 64669
Attorney General. If it is determined that additional amounts are 64670
necessary for this purpose, the amounts are hereby appropriated. 64671

CONSUMER FRAUDS 64672

The foregoing appropriation item 055630, Consumer Frauds, 64673
shall be used for distribution of moneys from court-ordered 64674
judgments against sellers in actions brought by the Office of the 64675
Attorney General under sections 1334.08 and 4549.48 and division 64676
(B) of section 1345.07 of the Revised Code. These moneys shall be 64677
used to provide restitution to consumers victimized by the fraud 64678
that generated the court-ordered judgments. If it is determined 64679
that additional amounts are necessary for this purpose, the 64680
amounts are hereby appropriated. 64681

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 64682

The foregoing appropriation item 055601, Organized Crime 64683
Commission Distributions, shall be used by the Organized Crime 64684
Investigations Commission, as provided by section 177.011 of the 64685
Revised Code, to reimburse political subdivisions for the expenses 64686
the political subdivisions incur when their law enforcement 64687
officers participate in an organized crime task force. If it is 64688
determined that additional amounts are necessary for this purpose, 64689
the amounts are hereby appropriated. 64690

COLLECTION PAYMENT REDISTRIBUTION 64691

The foregoing appropriation item 055650, Collection Payment 64692
Redistribution, shall be used for the purpose of allocating the 64693
revenue where debtors mistakenly paid the client agencies instead 64694
of the Attorney General's Collections Enforcement Section. If it 64695
is determined that additional amounts are necessary for this 64696
purpose, the amounts are hereby appropriated. 64697

Section 223.10. AUD AUDITOR OF STATE 64698

General Revenue Fund 64699

GRF	070401	Audit Management and	\$	12,046,143	\$	12,344,795	64700
		Services					
GRF	070402	Performance Audits	\$	1,950,971	\$	1,977,596	64701
GRF	070403	Fiscal	\$	550,000	\$	550,000	64702
		Watch/Emergency					
		Technical Assistance					
GRF	070404	Fraud/Corruption	\$	2,400,000	\$	2,400,000	64703
		Audits and					
		Investigations					
GRF	070412	Local Government	\$	13,200,000	\$	13,200,000	64704
		Audit Support					
TOTAL GRF		General Revenue Fund	\$	30,147,114	\$	30,472,391	64705

Dedicated Purpose Fund Group					64706
1090 070601 Public Audit Expense	\$	11,818,035	\$	11,065,646	64707
- Intrastate					
4220 070602 Public Audit Expense	\$	33,931,168	\$	32,983,559	64708
- Local Government					
5840 070603 Training Program	\$	200,000	\$	200,000	64709
5JZ0 070606 LEAP Revolving Loans	\$	125,000	\$	125,000	64710
5VP0 070611 Local Government	\$	12,215,435	\$	13,905,599	64711
Audit Support Fund					
6750 070605 Uniform Accounting	\$	4,142,777	\$	5,705,108	64712
Network					
TOTAL DPF Dedicated Purpose Fund					64713
Group	\$	62,432,415	\$	63,984,912	64714
TOTAL ALL BUDGET FUND GROUPS	\$	92,579,529	\$	94,457,303	64715

Section 223.20. AUDIT MANAGEMENT AND SERVICES 64717

The foregoing appropriation item 070401, Audit Management and 64718
 Services, shall be used pursuant to section 117.13 of the Revised 64719
 Code to support costs of the Auditor of State that are not 64720
 recovered through charges to local governments and state entities, 64721
 including costs that cannot be recovered from audit clients under 64722
 federal indirect cost allocation guidelines. This appropriation 64723
 item shall also be used to cover costs of the Local Government 64724
 Services Section that are not charged to clients. 64725

PERFORMANCE AUDITS 64726

The foregoing appropriation item 070402, Performance Audits, 64727
 shall be used pursuant to section 117.13 of the Revised Code to 64728
 support costs of the Auditor of State related to the provision of 64729
 performance audits for local governments, school districts, state 64730
 agencies, and colleges and universities that are not recovered 64731
 through charges to those entities, including costs that cannot be 64732
 recovered from audit clients under federal indirect cost 64733

allocation guidelines.				64734
LOCAL GOVERNMENT AUDIT SUPPORT				64735
The foregoing appropriation item 070412, Local Government				64736
Audit Support, shall be used pursuant to section 117.13 of the				64737
Revised Code to support costs of the Auditor of State that are not				64738
recovered through charges to local governments, including costs				64739
that cannot be recovered from audit clients under federal indirect				64740
cost allocation guidelines.				64741
LOCAL GOVERNMENT AUDIT SUPPORT FUND				64742
The foregoing appropriation item 070611, Local Government				64743
Audit Support Fund, shall be used pursuant to section 117.131 of				64744
the Revised Code to offset costs of audits that would otherwise be				64745
charged to local public offices in the absence of the fund.				64746
Section 229.10. OBM OFFICE OF BUDGET AND MANAGEMENT				64747
General Revenue Fund				64748
GRF 042321 Operating Expenses	\$	4,128,353	\$ 4,128,353	64749
TOTAL GRF General Revenue Fund	\$	4,128,353	\$ 4,128,353	64750
Dedicated Purpose Fund Group				64751
5CV1 042621 COVID Response Costs	\$	18,000,000	\$ 0	64752
- Multiple Agencies				
TOTAL Dedicated Purpose Fund Group	\$	18,000,000	\$ 0	64753
Internal Service Activity Fund Group				64754
1050 042603 Financial Management	\$	16,500,000	\$ 17,200,000	64755
1050 042620 Shared Services	\$	6,730,000	\$ 7,050,000	64756
Operating				
TOTAL ISA Internal Service Activity				64757
Fund Group	\$	23,230,000	\$ 24,250,000	64758
Fiduciary Fund Group				64759
5EH0 042604 Forgery Recovery	\$	30,000	\$ 30,000	64760

TOTAL FID Fiduciary Fund Group	\$	30,000	\$	30,000	64761
TOTAL ALL BUDGET FUND GROUPS	\$	45,388,353	\$	28,408,353	64762

Section 229.20. AUDIT COSTS 64764

All centralized audit costs associated with either Single 64765
Audit Schedules or financial statements prepared in conformance 64766
with generally accepted accounting principles for the state shall 64767
be paid from the foregoing appropriation item 042603, Financial 64768
Management. 64769

Costs associated with the audit of the Auditor of State shall 64770
be paid from the foregoing appropriation item 042321, Operating 64771
Expenses. 64772

SHARED SERVICES CENTER 64773

The foregoing appropriation items 042321, Operating Expenses, 64774
and 042620, Shared Services Operating, shall be used by the 64775
Director of Budget and Management to support the Shared Services 64776
program pursuant to division (D) of section 126.21 of the Revised 64777
Code. 64778

The Director of Budget and Management shall include the 64779
recovery of costs to operate the Shared Services program in the 64780
accounting and budgeting services payroll rate and through direct 64781
charges using intrastate transfer vouchers billed to agencies for 64782
services rendered using a methodology determined by the Director 64783
of Budget and Management. Such cost recovery revenues shall be 64784
deposited to the credit of the Accounting and Budgeting Fund (Fund 64785
1050). 64786

INTERNAL AUDIT 64787

The Director of Budget and Management shall include the 64788
recovery of costs to operate the Internal Audit Program pursuant 64789
to section 126.45 of the Revised Code in the accounting and 64790
budgeting services payroll rate using a methodology determined by 64791

the Director of Budget and Management. Such cost recovery revenues 64792
shall be deposited to the credit of Fund 1050. 64793

FORGERY RECOVERY 64794

The foregoing appropriation item 042604, Forgery Recovery, 64795
shall be used to reissue warrants that have been certified as 64796
forgeries by the rightful recipient as determined by the Bureau of 64797
Criminal Identification and Investigation and the Treasurer of 64798
State. Upon receipt of funds to cover the reissuance of the 64799
warrant, the Director of Budget and Management shall reissue a 64800
state warrant of the same amount. Any additional amounts needed to 64801
reissue warrants backed by the receipt of funds are hereby 64802
appropriated. 64803

Section 231.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 64804

General Revenue Fund 64805

GRF 874100	Personal Services	\$	4,069,830	\$	4,069,830	64806
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GRF 874320	Maintenance and Equipment	\$	1,402,833	\$	1,402,833	64807
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TOTAL GRF	General Revenue Fund	\$	5,472,663	\$	5,472,663	64808
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Dedicated Purpose Fund Group 64809

2080 874601	Underground Parking Garage Operations	\$	4,245,906	\$	4,245,906	64810
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4G50 874603	Capitol Square Education Center and Arts	\$	6,000	\$	6,000	64811
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TOTAL DPF	Dedicated Purpose					64812
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Fund Group		\$	4,251,906	\$	4,251,906	64813
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Internal Service Activity Fund Group 64814

4S70 874602	Statehouse Gift Shop/Events	\$	800,000	\$	800,000	64815
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TOTAL ISA	Internal Service Activity					64816
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Fund Group	\$	800,000	\$	800,000	64817
TOTAL ALL BUDGET FUND GROUPS	\$	10,524,569	\$	10,524,569	64818

PERSONAL SERVICES 64819

On July 1, 2021, or as soon as possible thereafter, the 64820
Executive Director of the Capitol Square Review and Advisory Board 64821
may certify to the Director of Budget and Management an amount up 64822
to the unexpended, unencumbered balance of the foregoing 64823
appropriation item 874100, Personal Services, at the end of fiscal 64824
year 2021 to be reappropriated to fiscal year 2022. The amount 64825
certified is hereby appropriated to the same appropriation item 64826
for fiscal year 2022. 64827

On July 1, 2022, or as soon as possible thereafter, the 64828
Executive Director of the Capital Square Review and Advisory Board 64829
may certify to the Director of Budget and Management an amount up 64830
to the unexpended, unencumbered balance of the foregoing 64831
appropriation item 874100, Personal Services, at the end of fiscal 64832
year 2022 to be reappropriated to fiscal year 2023. The amount 64833
certified is hereby appropriated to the same appropriation item 64834
for fiscal year 2023. 64835

MAINTENANCE AND EQUIPMENT 64836

On July 1, 2021, or as soon as possible thereafter, the 64837
Executive Director of the Capitol Square Review and Advisory Board 64838
may certify to the Director of Budget and Management an amount up 64839
to the unexpended, unencumbered balance of the foregoing 64840
appropriation item 874320, Maintenance and Equipment, at the end 64841
of fiscal year 2021 to be reappropriated to fiscal year 2022. The 64842
amount certified is hereby appropriated to the same appropriation 64843
item for fiscal year 2022. 64844

On July 1, 2022, or as soon as possible thereafter, the 64845
Executive Director of the Capitol Square Review and Advisory Board 64846
may certify to the Director of Budget and Management an amount up 64847

to the unexpended, unencumbered balance of the foregoing 64848
 appropriation item 874320, Maintenance and Equipment, at the end 64849
 of fiscal year 2022 to be reappropriated to fiscal year 2023. The 64850
 amount certified is hereby appropriated to the same appropriation 64851
 item for fiscal year 2023. 64852

UNDERGROUND PARKING GARAGE FUND 64853

Notwithstanding division (G) of section 105.41 of the Revised 64854
 Code and any other provision to the contrary, moneys in the 64855
 Underground Parking Garage Fund (Fund 2080) may be used for 64856
 personnel and operating costs related to the operations of the 64857
 Statehouse and the Statehouse Underground Parking Garage. 64858

HOUSE AND SENATE PARKING REIMBURSEMENT 64859

On July 1 of each fiscal year, or as soon as possible 64860
 thereafter, the Director of Budget and Management shall transfer 64861
 \$500,000 cash from the General Revenue Fund to the Underground 64862
 Parking Garage Fund (Fund 2080). The amounts transferred under 64863
 this section shall be used to reimburse the Capitol Square Review 64864
 and Advisory Board for legislative parking costs. 64865

Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND 64866
 SCHOOLS 64867

Dedicated Purpose Fund Group				64868
4K90 233601 Operating Expenses	\$	513,000	\$ 513,000	64869
TOTAL DPF Dedicated Purpose Fund Group	\$	513,000	\$ 513,000	64870
TOTAL ALL BUDGET FUND GROUPS	\$	513,000	\$ 513,000	64871

Section 235.10. CAC CASINO CONTROL COMMISSION 64873

Dedicated Purpose Fund Group				64874
5HS0 955321 Operating Expenses	\$	13,401,718	\$ 13,492,672	64875
5NU0 955601 Casino Commission	\$	250,000	\$ 250,000	64876

Enforcement

TOTAL DPF Dedicated Purpose Fund Group	\$	13,651,718	\$	13,742,672	64877
TOTAL ALL BUDGET FUND GROUPS	\$	13,651,718	\$	13,742,672	64878
 Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD					64880
Dedicated Purpose Fund Group					64881
4K90 930609 Operating Expenses	\$	833,131	\$	850,305	64882
TOTAL DPF Dedicated Purpose Fund Group	\$	833,131	\$	850,305	64883
TOTAL ALL BUDGET FUND GROUPS	\$	833,131	\$	850,305	64884
 Section 239.10. CHR STATE CHIROPRACTIC BOARD					64886
Dedicated Purpose Fund Group					64887
4K90 878609 Operating Expenses	\$	622,000	\$	622,000	64888
TOTAL DPF Dedicated Purpose Fund Group	\$	622,000	\$	622,000	64889
TOTAL ALL BUDGET FUND GROUPS	\$	622,000	\$	622,000	64890
 Section 241.10. CIV OHIO CIVIL RIGHTS COMMISSION					64892
General Revenue Fund					64893
GRF 876321 Operating Expenses	\$	6,118,897	\$	6,538,548	64894
TOTAL GRF General Revenue Fund	\$	6,118,897	\$	6,538,548	64895
Dedicated Purpose Fund Group					64896
2170 876604 Operations Support	\$	3,000	\$	3,000	64897
TOTAL DPF Internal Service Activity Fund Group	\$	3,000	\$	3,000	64898
Federal Fund Group					64900
3340 876601 Federal Programs	\$	3,300,000	\$	3,036,884	64901
TOTAL FED Federal Special Revenue Fund Group	\$	3,300,000	\$	3,036,884	64902
TOTAL ALL BUDGET FUND GROUPS	\$	9,421,897	\$	9,578,432	64904

Section 243.10. COM DEPARTMENT OF COMMERCE				64906
Dedicated Purpose Fund Group				64907
4B20	800631	Real Estate Appraisal	\$ 35,000 \$ 35,000	64908
Recovery				
4H90	800608	Cemeteries	\$ 313,466 \$ 313,466	64909
4X20	800619	Financial Institutions	\$ 2,080,213 \$ 2,080,213	64910
5430	800602	Unclaimed	\$ 11,491,192 \$ 11,489,073	64911
Funds-Operating				
5430	800625	Unclaimed Funds-Claims	\$ 70,000,000 \$ 70,000,000	64912
5440	800612	Banks	\$ 10,138,048 \$ 10,138,048	64913
5460	800610	Fire Marshal	\$ 23,166,255 \$ 23,451,914	64914
5460	800639	Fire Department Grants	\$ 6,100,000 \$ 6,100,000	64915
5470	800603	Real Estate	\$ 69,655 \$ 69,655	64916
Education/Research				
5480	800611	Real Estate Recovery	\$ 50,000 \$ 50,000	64917
5490	800614	Real Estate	\$ 4,155,513 \$ 4,227,780	64918
5500	800617	Securities	\$ 7,234,782 \$ 7,387,595	64919
5520	800604	Credit Union	\$ 3,807,712 \$ 3,807,712	64920
5530	800607	Consumer Finance	\$ 5,517,185 \$ 5,510,095	64921
5560	800615	Industrial Compliance	\$ 30,929,000 \$ 30,929,000	64922
5F10	800635	Small Government Fire	\$ 600,000 \$ 600,000	64923
Departments				
5FW0	800616	Financial Literacy	\$ 150,000 \$ 150,000	64924
Education				
5GK0	800609	Securities Investor	\$ 2,182,150 \$ 2,182,150	64925
Education/Enforcement				
5HV0	800641	Cigarette Enforcement	\$ 27,324 \$ 27,324	64926
5LC0	800644	Liquor JobsOhio	\$ 327,470 \$ 396,154	64927
Extraordinary Allowance				
5LN0	800645	Liquor Operating	\$ 23,532,000 \$ 25,395,000	64928
Services				
5LP0	800646	Liquor Regulatory	\$ 16,829,784 \$ 15,584,778	64929

		Operating Expenses				
5SE0	800651	Cemetery Grant Program	\$	130,000	\$	130,000 64930
5SJ0	800648	Volunteer Peace	\$	50,000	\$	50,000 64931
		Officers' Dependent Fund				
5SU0	800649	Manufactured Homes	\$	331,281	\$	340,357 64932
		Regulation				
5SY0	800650	Medical Marijuana	\$	5,121,000	\$	5,121,000 64933
		Control Program				
5VC0	800652	Real Estate Home	\$	96,320	\$	100,813 64934
		Inspector Operating				
5VD0	800653	Real Estate Home	\$	10,000	\$	10,000 64935
		Inspector Recovery				
5X60	800623	Video Service	\$	437,693	\$	437,693 64936
5XK0	800657	Ohio Investor Recovery	\$	2,500,000	\$	2,500,000 64937
6530	800629	UST Registration/Permit	\$	2,481,714	\$	2,501,714 64938
		Fee				
6A40	800630	Real Estate	\$	1,095,546	\$	1,108,310 64939
		Appraiser-Operating				
TOTAL DPF		Dedicated Purpose				64940
Fund Group			\$	230,990,303	\$	232,224,844 64941
Internal Service Activity		Fund Group				64942
1630	800620	Division of	\$	9,481,409	\$	9,296,249 64943
		Administration				
1630	800637	Information Technology	\$	10,990,749	\$	10,677,029 64944
TOTAL ISA		Internal Service Activity				64945
Fund Group			\$	20,472,158	\$	19,973,278 64946
Federal Fund Group						64947
3480	800622	Underground Storage	\$	805,112	\$	805,112 64948
		Tanks				
3480	800624	Leaking Underground	\$	2,000,000	\$	2,000,000 64949
		Storage Tanks				

3HK0 800654 911 Grant Program	\$	3,302,976	\$	0	64950
TOTAL FED Federal Fund Group	\$	6,108,088	\$	2,805,112	64951
TOTAL ALL BUDGET FUND GROUPS	\$	257,570,549	\$	255,003,234	64952

Section 243.20. UNCLAIMED FUNDS PAYMENTS 64954

The foregoing appropriation item 800625, Unclaimed 64955
Funds-Claims, shall be used to pay claims under section 169.08 of 64956
the Revised Code. If it is determined by the Director of Commerce 64957
that additional appropriation amounts are necessary to make such 64958
payments, the Director of Commerce may request that the Director 64959
of Budget and Management approve such increases. Any approved 64960
increases are hereby appropriated. 64961

DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING 64962

The foregoing appropriation item 800631, Real Estate 64963
Appraiser Recovery, shall be used to pay settlements, judgments, 64964
and court orders under section 4763.16 of the Revised Code. If it 64965
is determined by the Director of Commerce that additional 64966
appropriation amounts are necessary to make such payments, the 64967
Director of Commerce may request that the Director of Budget and 64968
Management approve such increases. Any approved increases are 64969
hereby appropriated. 64970

The foregoing appropriation item 800611, Real Estate 64971
Recovery, shall be used to pay settlements, judgments, and court 64972
orders under section 4735.12 of the Revised Code. If it is 64973
determined by the Director of Commerce that additional 64974
appropriation amounts are necessary to make such payments, the 64975
Director of Commerce may request that the Director of Budget and 64976
Management approve such increases. Any approved increases are 64977
hereby appropriated. 64978

The foregoing appropriation item 800653, Real Estate Home 64979
Inspector Recovery, shall be used to pay settlements, judgments, 64980
and court orders under section 4764.21 of the Revised Code. If it 64981

is determined by the Director of Commerce that additional 64982
appropriation amounts are necessary to make such payments, the 64983
Director of Commerce may request that the Director of Budget and 64984
Management approve such increases. Any approved increases are 64985
hereby appropriated. 64986

FIRE DEPARTMENT GRANTS 64987

(A) The foregoing appropriation item 800639, Fire Department 64988
Grants, shall be used to make annual grants to the following 64989
eligible recipients: volunteer fire departments, fire departments 64990
that serve one or more small municipalities or small townships, 64991
joint fire districts comprised of fire departments that primarily 64992
serve small municipalities or small townships, local units of 64993
government responsible for such fire departments, and local units 64994
of government responsible for the provision of fire protection 64995
services for small municipalities or small townships. For the 64996
purposes of these grants, a private fire company, as that phrase 64997
is defined in section 9.60 of the Revised Code, that is providing 64998
fire protection services under a contract to a political 64999
subdivision of the state, is an additional eligible recipient for 65000
a training grant. 65001

Eligible recipients that consist of small municipalities or 65002
small townships that all intend to contract with the same fire 65003
department or private fire company for fire protection services 65004
may jointly apply and be considered for a grant. If a joint 65005
applicant is awarded a grant, the State Fire Marshal shall, if 65006
feasible, proportionately award the grant and any equipment 65007
purchased with grant funds to each of the joint applicants based 65008
upon each applicant's contribution to and demonstrated need for 65009
fire protection services. For the purpose of this grant program, 65010
an eligible recipient or any firefighting entity that is 65011
contracted to serve an eligible recipient may only file, be listed 65012
as joint applicant, or be designated as a service provider on one 65013

grant application per fiscal year. 65014

If the grant awarded to joint applicants is an equipment 65015
grant and the equipment to be purchased cannot be readily 65016
distributed or possessed by multiple recipients, each of the joint 65017
applicants shall be awarded by the State Fire Marshal an ownership 65018
interest in the equipment so purchased in proportion to each 65019
applicant's contribution to and demonstrated need for fire 65020
protection services. The joint applicants shall then mutually 65021
agree on how the equipment is to be maintained, operated, stored, 65022
or disposed of. If, for any reason, the joint applicants cannot 65023
agree as to how jointly owned equipment is to be maintained, 65024
operated, stored, or disposed of or any of the joint applicants no 65025
longer maintain a contract with the same fire protection service 65026
provider as the other applicants, then the joint applicants shall, 65027
with the assistance of the State Fire Marshal, mutually agree as 65028
to how the jointly owned equipment is to be maintained, operated, 65029
stored, disposed of, or owned. If the joint applicants cannot 65030
agree how the grant equipment is to be maintained, operated, 65031
stored, disposed of, or owned, the State Fire Marshal may, in its 65032
discretion, require all of the equipment acquired by the joint 65033
applicants with grant funds to be returned to the State Fire 65034
Marshal. The State Fire Marshal may then award the returned 65035
equipment to any eligible recipients. For this paragraph only, an 65036
"equipment grant" also includes a MARCS Grant. 65037

(B) Except as otherwise provided in this section, the grants 65038
shall be used by recipients to purchase firefighting or rescue 65039
equipment or gear or similar items, to provide full or partial 65040
reimbursement for the documented costs of firefighter training, 65041
or, at the discretion of the State Fire Marshal, to cover fire 65042
department costs for providing fire protection services in that 65043
grant recipient's jurisdiction. 65044

(1) Of the foregoing appropriation item 800639, Fire 65045

Department Grants, up to \$1,000,000 per fiscal year may be used to 65046
pay for the State Fire Marshal's costs of providing firefighter I 65047
certification classes or other firefighter classes approved by the 65048
State Fire Marshal at no cost to selected students attending the 65049
Ohio Fire Academy or other class providers approved by the State 65050
Fire Marshal. The State Fire Marshal may establish the 65051
qualifications and selection processes for students to attend such 65052
classes by written policy, and such students shall be considered 65053
eligible recipients of fire department grants for the purposes of 65054
this portion of the grant program. 65055

(2) Of the foregoing appropriation item 800639, Fire 65056
Department Grants, up to \$3,500,000 in each fiscal year may be 65057
used for MARCS Grants. MARCS Grants may be used for the payment of 65058
user access fees by the eligible recipient to cover costs for 65059
accessing MARCS. 65060

For purposes of this section, a MARCS Grant is a grant for 65061
systems, equipment, or services that are a part of, integrated 65062
into, or otherwise interoperable with the Multi-Agency Radio 65063
Communication System (MARCS) operated by the state. 65064

MARCS Grant awards may be up to \$50,000 in each fiscal year 65065
per eligible recipient. Each eligible recipient may apply, as a 65066
separate entity or as a part of a joint application, for only one 65067
MARCS Grant per fiscal year. The State Fire Marshal may give a 65068
preference to MARCS Grants that will enhance the overall 65069
interoperability and effectiveness of emergency communication 65070
networks in the geographic region that includes and that is 65071
adjacent to the applicant. 65072

Eligible recipients that are or were awarded fire department 65073
grants that are not MARCS Grants may also apply for and receive 65074
MARCS Grants in accordance with criteria for the awarding of grant 65075
funds established by the State Fire Marshal. 65076

(3) Grant awards for firefighting or rescue equipment or gear 65077
or for fire department costs of providing fire protection services 65078
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 65079
fiscal year if an eligible entity serves a jurisdiction in which 65080
the Governor declared a natural disaster during the preceding or 65081
current fiscal year in which the grant was awarded. In addition to 65082
any grant funds awarded for rescue equipment or gear, or for fire 65083
department costs associated with the provision of fire protection 65084
services, an eligible entity may receive a grant for up to \$15,000 65085
per fiscal year for full or partial reimbursement of the 65086
documented costs of firefighter training. For each fiscal year, 65087
the State Fire Marshal shall determine the total amounts to be 65088
allocated for each eligible purpose. 65089

(C) The grants shall be administered by the State Fire 65090
Marshal in accordance with rules the State Fire Marshal adopts as 65091
part of the state fire code adopted pursuant to section 3737.82 of 65092
the Revised Code that are necessary for the administration and 65093
operation of the grant program. The rules may further define the 65094
entities eligible to receive grants and establish criteria for the 65095
awarding and expenditure of grant funds, including methods the 65096
State Fire Marshal may use to verify the proper use of grant funds 65097
or to obtain reimbursement for or the return of equipment for 65098
improperly used grant funds. To the extent consistent with this 65099
section and until the rules are updated, the existing rules in the 65100
state fire code adopted pursuant to section 3737.82 of the Revised 65101
Code for fire department grants under this section apply to MARCS 65102
Grants. Any amounts in appropriation item 800639, Fire Department 65103
Grants, in excess of the amount allocated for these grants may be 65104
used for the administration of the grant program. 65105

(D) Of the foregoing appropriation 800639, Fire Department 65106
Grants, \$200,000 in each fiscal year shall be allocated to fire 65107
departments located in Trumbull County for equipment and training 65108

costs. 65109

Section 243.30. CASH TRANSFERS TO DIVISION OF REAL ESTATE 65110
OPERATING FUND 65111

Upon the written request of the Director of Commerce, and 65112
subject to the approval of the Controlling Board, the Director of 65113
Budget and Management may transfer up to \$500,000 in cash from the 65114
Real Estate Education and Research Fund (Fund 5470) to the 65115
Division of Real Estate Operating Fund (Fund 5490) during the 65116
biennium ending June 30, 2023. 65117

If the Real Estate Recovery Fund (Fund 5480) cash balance 65118
exceeds \$250,000 during the biennium ending June 30, 2023, the 65119
Director of Budget and Management, upon the written request of the 65120
Director of Commerce and subject to the approval of the 65121
Controlling Board, may transfer cash from Fund 5480 to the 65122
Division of Real Estate Operating Fund (Fund 5490), such that the 65123
amount available in Fund 5480 is not less than \$250,000. 65124

CASH TRANSFERS TO REAL ESTATE APPRAISER OPERATING FUND 65125

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 65126
balance exceeds \$200,000 during the biennium ending June 30, 2023, 65127
the Director of Budget and Management, upon the written request of 65128
the Director of Commerce and subject to the approval of the 65129
Controlling Board, may transfer cash from Fund 4B20 to the Real 65130
Estate Appraiser Operating Fund (Fund 6A40), such that the amount 65131
available in Fund 4B20 is not less than \$200,000. 65132

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 65133
REVOLVING LOAN FUND 65134

Upon the written request of the Director of Commerce, and 65135
subject to the approval of the Controlling Board, the Director of 65136
Budget and Management may transfer up to \$600,000 in cash from the 65137
State Fire Marshal Fund (Fund 5460) to the Small Government Fire 65138

Department Services Revolving Loan Fund (Fund 5F10) during the 65139
biennium ending June 30, 2023. 65140

CASH TRANSFERS TO THE HOME INSPECTOR OPERATING FUND AND THE 65141
HOME INSPECTOR RECOVERY FUND 65142

During the biennium beginning July 1, 2021, and ending June 65143
30, 2023, upon written request from the Director of Commerce, and 65144
subject to the approval of the Controlling Board, the Director of 65145
Budget and Management may transfer up to \$500,000 in cash from the 65146
Division of Securities Fund (Fund 5500) as follows: up to \$400,000 65147
in cash to the Home Inspector Operating Fund (Fund 5VC0) and up to 65148
\$100,000 in cash to the Home Inspector Recovery Fund (Fund 5VD0). 65149
When revenue deposited into Fund 5VC0 and Fund 5VD0 are deemed 65150
sufficient to sustain operations, the Director of Budget and 65151
Management, in consultation with the Director of Commerce, shall 65152
establish a repayment schedule to fully repay the cash transferred 65153
from Fund 5500 to Fund 5VC0 and Fund 5VD0. 65154

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 65155

Upon the written request of the Director of Commerce, and 65156
subject to the approval of the Controlling Board, the Director of 65157
Budget and Management may transfer up to \$2,500,000 in each fiscal 65158
year from the Division of Securities Operating Fund (Fund 5500) to 65159
the Ohio Investor Recovery Fund (Fund 5XK0) during the biennium 65160
ending June 30, 2023. 65161

Of the foregoing appropriation item 800657, Ohio Investor 65162
Recovery, up to \$2,500,000 in each fiscal year shall be used by 65163
the Department of Commerce to provide restitution assistance to 65164
victims who: (1) are identified in a final administrative order 65165
issued by the Division of Securities or a final court order in a 65166
civil or criminal proceeding initiated by the Division as a 65167
purchaser damaged by a sale or contract for sale made in violation 65168
of Chapter 1707. of the Revised Code; and (2) have not received 65169

the full amount of any restitution ordered in a final order before 65170
the application for restitution assistance is due. 65171

Section 245.10. OCC OFFICE OF CONSUMERS' COUNSEL 65172

Dedicated Purpose Fund Group 65173

5F50 053601 Operating Expenses \$ 5,641,043 \$ 5,641,043 65174

TOTAL DPF Dedicated Purpose Fund \$ 5,641,043 \$ 5,641,043 65175

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,641,043 \$ 5,641,043 65176

Section 247.10. CEB CONTROLLING BOARD 65178

Internal Service Activity Fund Group 65179

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 65180

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 65181

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 65182

Section 247.20. FEDERAL SHARE 65184

In transferring appropriations to or from appropriation items 65185
that have federal shares identified in this act, the Controlling 65186
Board shall add or subtract corresponding amounts of federal 65187
matching funds at the percentages indicated by the state and 65188
federal division of the appropriations in this act. Such changes 65189
are hereby appropriated. 65190

DISASTER SERVICES 65191

The Disaster Services Fund (Fund 5E20) shall be used by the 65192
Controlling Board, pursuant to requests submitted by state 65193
agencies, to transfer cash used for the payment of state agency 65194
disaster relief program expenses for disasters that have a written 65195
Governor's authorization, if the Director of Budget and Management 65196

determines that sufficient funds exist. 65197

Pursuant to requests submitted by the Department of Public 65198
 Safety, the Controlling Board may approve cash transfers from Fund 65199
 5E20 to any fund used by the Department of Public Safety to 65200
 provide for assistance to political subdivisions made necessary by 65201
 natural disasters or emergencies. These cash transfers may be 65202
 requested and approved prior to the occurrence of any specific 65203
 natural disasters or emergencies in order to facilitate the 65204
 provision of timely assistance. The Emergency Management Agency of 65205
 the Department of Public Safety shall use the cash to fund the 65206
 State Disaster Relief Program for disasters that qualify for the 65207
 program by written authorization of the Governor, and the State 65208
 Individual Assistance Program for disasters that been declared by 65209
 the federal Small Business Administration and that qualify for the 65210
 program by written authorization from the Governor. The Ohio 65211
 Emergency Management Agency shall publish and make available 65212
 application packets outlining procedures for the State Disaster 65213
 Relief Program and the State Individual Assistance Program. 65214

Section 249.10. COS COSMETOLOGY AND BARBER BOARD 65215

Dedicated Purpose Fund Group				65216
4K90 879609 Operating Expenses	\$	5,416,852	\$ 5,716,944	65217
TOTAL DPF Dedicated Purpose Fund	\$	5,416,852	\$ 5,716,944	65218
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	5,416,852	\$ 5,716,944	65219

Section 251.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 65221

AND FAMILY THERAPIST BOARD				65222
Dedicated Purpose Fund Group				65223
4K90 899609 Operating Expenses	\$	1,845,658	\$ 1,907,553	65224
TOTAL DPF Dedicated Purpose Fund	\$	1,845,658	\$ 1,907,553	65225
Group				

TOTAL ALL BUDGET FUND GROUPS	\$	1,845,658	\$	1,907,553	65226
Section 253.10. CLA COURT OF CLAIMS					65228
General Revenue Fund					65229
GRF 015321 Operating Expenses	\$	2,668,140	\$	2,730,329	65230
GRF 015403 Public Records	\$	931,645	\$	957,137	65231
Adjudication					
TOTAL GRF General Revenue Fund	\$	3,599,785	\$	3,687,466	65232
Dedicated Purpose Fund Group					65233
5K20 015603 CLA Victims of Crime	\$	507,867	\$	521,755	65234
5TE0 015604 Public Records	\$	1,200	\$	1,200	65235
TOTAL DPF Dedicated Purpose Fund	\$	509,067	\$	522,955	65236
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	4,108,852	\$	4,210,421	65237
Section 255.10. DEN STATE DENTAL BOARD					65239
Dedicated Purpose Fund Group					65240
4K90 880609 Operating Expenses	\$	1,700,000	\$	1,750,000	65241
TOTAL DPF Dedicated Purpose Fund	\$	1,700,000	\$	1,750,000	65242
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,700,000	\$	1,750,000	65243
Section 257.10. BDP BOARD OF DEPOSIT					65245
Dedicated Purpose Fund Group					65246
4M20 974601 Board of Deposit	\$	1,688,400	\$	1,688,400	65247
TOTAL DPF Dedicated Purpose Fund	\$	1,688,400	\$	1,688,400	65248
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,688,400	\$	1,688,400	65249
BOARD OF DEPOSIT EXPENSE FUND					65250
Upon receiving certification of expenses from the Treasurer					65251
of State, the Director of Budget and Management shall transfer					65252
cash from the Investment Earnings Redistribution Fund (Fund 6080)					65253

to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 65254
shall be used pursuant to section 135.02 of the Revised Code to 65255
pay for any and all necessary expenses of the Board of Deposit or 65256
for banking charges and fees required for the operation of the 65257
State of Ohio Regular Account. 65258

Section 259.10. DEV DEPARTMENT OF DEVELOPMENT 65259

General Revenue Fund 65260

GRF 195402 Coal Research and \$ 175,000 \$ 175,000 65261
Development Program

GRF 195405 Minority Business \$ 5,794,141 \$ 5,794,141 65262
Development

GRF 195415 Business Development \$ 3,905,000 \$ 3,905,000 65263
Services

GRF 195426 Redevelopment \$ 1,000,000 \$ 1,000,000 65264
Assistance

GRF 195453 Technology Programs \$ 800,000 \$ 800,000 65265
and Grants

GRF 195454 Small Business and \$ 3,500,000 \$ 3,500,000 65266
Export Assistance

GRF 195455 Appalachia Assistance \$ 6,500,000 \$ 6,500,000 65267

GRF 195497 CDBG Operating Match \$ 1,250,000 \$ 1,250,000 65268

GRF 195499 BSD Federal Programs \$ 13,200,000 \$ 13,200,000 65269
Match

GRF 195501 iBELIEVE \$ 200,000 \$ 200,000 65270

GRF 195503 Local Development \$ 18,800,000 \$ 16,500,000 65271
Projects

GRF 195537 Ohio-Israel \$ 200,000 \$ 200,000 65272
Agricultural

GRF 195553 Industry Sector \$ 2,500,000 \$ 2,500,000 65273
Partnerships

GRF	195566	Main Street Job Recovery Program	\$	250,000	\$	250,000	65274
GRF	195651	Residential Broadband Expansion Grants	\$	20,000,000	\$	20,000,000	65275
GRF	195901	Coal Research and Development General Obligation Bond Debt Service	\$	7,300,000	\$	8,500,000	65276
GRF	195905	Third Frontier Research and Development General Obligation Bond Debt Service	\$	69,000,000	\$	76,000,000	65277
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	4,605,000	\$	4,605,000	65278
TOTAL GRF		General Revenue Fund	\$	158,979,141	\$	164,879,141	65279
		Dedicated Purpose Fund Group					65280
4500	195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	65281
4510	195649	Business Assistance Programs	\$	3,000,000	\$	3,000,000	65282
4F20	195639	State Special Projects	\$	1,000,000	\$	1,000,000	65283
4F20	195699	Utility Community Assistance	\$	750,000	\$	750,000	65284
4W10	195646	Minority Business Enterprise Loan	\$	5,000,000	\$	5,000,000	65285
5HR0	195606	TechCred Program	\$	8,300,000	\$	0	65286
5JR0	195635	Tax Incentives Operating	\$	800,000	\$	800,000	65287
5KP0	195645	Historic	\$	1,000,000	\$	1,000,000	65288

		Rehabilitation				
		Operating				
5M40	195659	Low Income Energy Assistance (USF)	\$	325,000,000	\$ 325,000,000	65289
5M50	195660	Advanced Energy Loan Programs	\$	8,500,000	\$ 8,500,000	65290
5MH0	195644	SiteOhio Administration	\$	2,500	\$ 2,500	65291
5MJ0	195683	TourismOhio Administration	\$	10,000,000	\$ 10,000,000	65292
5UL0	195627	Brownfields Revolving Loan Program	\$	2,500,000	\$ 2,500,000	65293
5W60	195691	International Trade Cooperative Projects	\$	50,000	\$ 50,000	65294
5XH0	195632	Women Owned Business Loans	\$	5,000,000	\$ 5,000,000	65295
5XH0	195694	Micro-Enterprise Loans	\$	5,000,000	\$ 5,000,000	65296
5XM0	195608	Indoor Entertainment Venues	\$	20,000,000	\$ 0	65297
5XM0	195677	Bar and Restaurant Assistance	\$	100,000,000	\$ 0	65298
5XM0	195685	Lodging Industry Grants	\$	25,000,000	\$ 0	65299
5XM0	195697	New Business Relief Grant	\$	10,000,000	\$ 0	65300
5XU0	195567	Residential Broadband Expansion Grants	\$	170,000,000	\$ 20,000,000	65301
6170	195654	Volume Cap Administration	\$	32,562	\$ 32,562	65302
6460	195638	Low- and Moderate-Income Housing Programs	\$	55,250,000	\$ 55,250,000	65303
TOTAL	DPF	Dedicated Purpose Fund	\$	756,259,967	\$ 442,959,967	65304

Group

Internal Service Activity Fund Group				65305
1350	195684	Development Services	\$ 12,000,000 \$	12,000,000 65306
		Operations		
6850	195636	Development Services	\$ 125,000 \$	125,000 65307
		Reimbursable		
		Expenditures		
TOTAL ISA Internal Service Activity				\$ 12,125,000 \$ 12,125,000 65308
Fund Group				
Facilities Establishment Fund Group				65309
4Z60	195647	Rural Industrial Park	\$ 18,000,000 \$	0 65310
		Loan		
5S90	195628	Capital Access Loan	\$ 2,500,000 \$	2,500,000 65311
		Program		
7009	195664	Innovation Ohio	\$ 4,800,000 \$	4,800,000 65312
7010	195665	Research and	\$ 5,000,000 \$	5,000,000 65313
		Development		
7037	195615	Facilities	\$ 152,000,000 \$	50,000,000 65314
		Establishment		
TOTAL FCE Facilities Establishment				\$ 182,300,000 \$ 62,300,000 65315
Fund Group				
Bond Research and Development Fund Group				65316
7011	195686	Third Frontier Tax	\$ 750,000 \$	750,000 65317
		Exempt - Operating		
7011	195687	Third Frontier	\$ 10,000,000 \$	10,000,000 65318
		Research and		
		Development Projects		
7014	195620	Third Frontier	\$ 1,710,000 \$	1,710,000 65319
		Taxable - Operating		
7014	195692	Research and	\$ 50,000,000 \$	50,000,000 65320
		Development Taxable		
		Bond Projects		

TOTAL BRD Bond Research and Development Fund Group	\$	62,460,000	\$	62,460,000	65321
Federal Fund Group					65322
3080 195602 Appalachian Regional Commission	\$	5,500,000	\$	5,500,000	65323
3080 195603 Housing Assistance Programs	\$	12,000,000	\$	12,000,000	65324
3080 195609 Small Business Administration Grants	\$	5,271,381	\$	5,271,381	65325
3080 195618 Energy Grants	\$	4,000,000	\$	4,000,000	65326
3080 195670 Home Weatherization Program	\$	20,000,000	\$	20,000,000	65327
3080 195672 Manufacturing Extension Partnership	\$	6,300,000	\$	6,300,000	65328
3080 195675 Procurement Technical Assistance	\$	1,000,000	\$	1,000,000	65329
3080 195696 State Trade and Export Promotion	\$	1,000,000	\$	1,000,000	65330
3350 195610 Energy Programs	\$	350,000	\$	350,000	65331
3AE0 195643 Workforce Development Initiatives	\$	2,000,000	\$	2,000,000	65332
3FJ0 195626 Small Business Capital Access and Collateral Enhancement Program	\$	8,000,000	\$	8,000,000	65333
3K80 195613 Community Development Block Grant	\$	60,000,000	\$	60,000,000	65334
3K90 195611 Home Energy Assistance Block Grant	\$	165,000,000	\$	165,000,000	65335
3K90 195614 HEAP Weatherization	\$	40,000,000	\$	40,000,000	65336
3L00 195612 Community Services Block Grant	\$	28,000,000	\$	28,000,000	65337

3V10 195601 HOME Program	\$ 35,000,000	\$ 35,000,000	65338
TOTAL FED Federal Fund Group	\$ 393,421,381	\$ 393,421,381	65339
TOTAL ALL BUDGET FUND GROUPS	\$ 1,565,545,489	\$ 1,138,145,489	65340

Section 259.20. COAL RESEARCH AND DEVELOPMENT PROGRAM 65342

The foregoing appropriation item 195402, Coal Research and 65343
Development Program, shall be used for the operating expenses of 65344
the Community Services Division in support of the Ohio Coal 65345
Development Office. 65346

MINORITY BUSINESS DEVELOPMENT 65347

The foregoing appropriation item 195405, Minority Business 65348
Development, shall be used to support the activities of the 65349
Minority Business Development Division, including providing grants 65350
to local nonprofit organizations to support economic development 65351
activities that promote minority business development, in 65352
conjunction with local organizations funded through appropriation 65353
item 195454, Small Business and Export Assistance. 65354

BUSINESS DEVELOPMENT SERVICES 65355

The foregoing appropriation item 195415, Business Development 65356
Services, shall be used for the operating expenses of the Office 65357
of Strategic Business Investments and the regional economic 65358
development offices. 65359

Of the foregoing appropriation item 195415, Business 65360
Development Services, \$1,800,000 in each fiscal year shall be 65361
allocated to Development Projects, Inc., for economic development 65362
programs and the creation of new jobs to leverage and support 65363
mission gains at Department of Defense and related facilities in 65364
Ohio by working with future base realignment and closure 65365
activities and ongoing Department of Defense efficiency and 65366
partnership initiatives, assisting efforts to secure Department of 65367
Defense support contracts for Ohio companies, assessing and 65368

supporting regional job training and workforce development needs 65369
generated by the Department of Defense and the Ohio aerospace 65370
industry, promoting technology transfer to Ohio businesses, and 65371
for expanding job training and economic development programs in 65372
human performance and cyber security related initiatives. 65373

REDEVELOPMENT ASSISTANCE 65374

The foregoing appropriation item 195426, Redevelopment 65375
Assistance, shall be used to fund the costs of administering the 65376
energy, redevelopment, and other revitalization programs that may 65377
be implemented, and may be used to match federal grant funding. 65378

TECHNOLOGY PROGRAMS AND GRANTS 65379

The foregoing appropriation item 195453, Technology Programs 65380
and Grants, shall be used for operating expenses incurred in 65381
administering the Ohio Third Frontier Programs and other 65382
technology focused programs that may be implemented. 65383

SMALL BUSINESS AND EXPORT ASSISTANCE 65384

The foregoing appropriation item 195454, Small Business and 65385
Export Assistance, may be used to provide a range of business 65386
assistance, including grants to local organizations to support 65387
economic development activities that promote small business 65388
development, entrepreneurship, and exports of Ohio's goods and 65389
services, in conjunction with local organizations funded through 65390
appropriation item 195405, Minority Business Development. The 65391
foregoing appropriation item shall also be used as matching funds 65392
for grants from the United States Small Business Administration 65393
and other federal agencies, pursuant to Pub. L. No. 96-302 as 65394
amended by Pub. L. No. 98-395, and regulations and policy 65395
guidelines for the programs pursuant thereto. 65396

APPALACHIA ASSISTANCE 65397

The foregoing GRF appropriation item 195455, Appalachia 65398

Assistance, may be used for the administrative costs of planning 65399
and liaison activities for the Governor's Office of Appalachia, to 65400
provide financial assistance to projects in Ohio's Appalachian 65401
counties, to support four local development districts, and to pay 65402
dues for the Appalachian Regional Commission. These funds may be 65403
used to match federal funds from the Appalachian Regional 65404
Commission. Programs funded through the appropriation item shall 65405
be identified and recommended by the local development districts 65406
and approved by the Governor's Office of Appalachia. The 65407
Department of Development shall conduct compliance and regulatory 65408
review of the programs recommended by the local development 65409
districts. Moneys allocated under the appropriation item may be 65410
used to fund projects including, but not limited to, those 65411
designated by the local development districts as community 65412
investment and rapid response projects. 65413

Of the foregoing appropriation item 195455, Appalachia 65414
Assistance, in each fiscal year, \$170,000 shall be allocated to 65415
the Ohio Valley Regional Development Commission, \$170,000 shall be 65416
allocated to the Ohio Mid-Eastern Government Association, \$170,000 65417
shall be allocated to the Buckeye Hills-Hocking Valley Regional 65418
Development District, and \$170,000 shall be allocated to the 65419
Eastgate Regional Council of Governments. Local development 65420
districts receiving funding under this section shall use the funds 65421
for the implementation and administration of programs and duties 65422
under section 107.21 of the Revised Code. 65423

CDBG OPERATING MATCH 65424

The foregoing appropriation item 195497, CDBG Operating 65425
Match, shall be used as matching funds for grants from the United 65426
States Department of Housing and Urban Development pursuant to the 65427
Housing and Community Development Act of 1974 and regulations and 65428
policy guidelines for the programs pursuant thereto. 65429

BSD FEDERAL PROGRAMS MATCH 65430

The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Defense Logistics Agency Procurement Technical Assistance Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division.

iBELIEVE

The foregoing appropriation item 195501, iBELIEVE, shall be allocated to the iBELIEVE Foundation to provide opportunities for Appalachian youth to develop twenty-first century skills, including leadership, communication, and problem-solving for college access and retention.

LOCAL DEVELOPMENT PROJECTS

Of the foregoing appropriation item 195503, Local Development Projects, \$10,000,000 in each fiscal year shall be allocated to the Foundation for Appalachian Ohio.

Of the foregoing appropriation item 195503, Local Development Projects, up to \$4,000,000 in each fiscal year shall be allocated for the GRIT program, to be administered by the Governor's Office of Appalachia and the Department of Development. The program shall create jobs in economically distressed and at-risk areas within 11 counties in the service territory of the Ohio Valley Regional Development Commission. This portion of the foregoing appropriation item shall be used to establish virtual workforce development centers and place un- and under-employed adults into jobs, in collaboration with private businesses and public sector partners. Of this portion of the foregoing appropriation item, up to \$800,000 in each fiscal year may be used for assessments and up

to \$800,000 in each fiscal year may be used for operating costs. 65462
The Governor's Office of Appalachia and the Department of 65463
Development may establish other guidelines for the use of this 65464
portion of the foregoing appropriation item. 65465

Of the foregoing appropriation item 195503, Local Development 65466
Projects, up to \$2,250,000 in fiscal year 2022 shall be used in 65467
coordination with the Department of Health to support stable 65468
housing initiatives for pregnant mothers and to improve maternal 65469
and infant health outcomes. 65470

Of the foregoing appropriation item 195503, Local Development 65471
Projects, \$1,000,000 in each fiscal year shall be allocated to the 65472
Lucas County Land Bank for the Lucas County Commercial Site 65473
Clean-Up Pilot Program to demolish vacant commercial or industrial 65474
buildings located in Lucas County. The state funding shall be 65475
matched on a 1:1 basis by funding from any of the following 65476
entities: City of Toledo, Lucas County, Toledo-Lucas County Port 65477
Authority, Lucas County Land Bank, the municipality or township 65478
where the project is located, or any private entities or nonprofit 65479
organizations. The program shall prioritize the demolition of 65480
blighted or nuisance commercial or industrial buildings at 65481
locations that are depressing the value of surrounding properties 65482
and locations that have the greatest potential for new 65483
construction or development. 65484

Of the foregoing appropriation item 195503, Local Development 65485
Projects, \$500,000 in each fiscal year shall be used for the 65486
Center for Advanced Manufacturing and Logistics to provide 65487
workforce development, supply chain management, automation, 65488
research and development, and entrepreneurship to foster 65489
manufacturing and logistic industry jobs and company creation. 65490

Of the foregoing appropriation item 195503, Local Development 65491
Projects, \$300,000 in each fiscal year shall be used to support 65492
the Camp James A. Garfield Joint Military Training Center and the 65493

Youngstown Air Reserve Station. 65494

Of the foregoing appropriation item 195503, Local Development 65495
Projects, \$300,000 in each fiscal year shall be allocated to 65496
Cleveland Neighborhood Progress for the Cleveland Chain Reaction 65497
Project. 65498

Of the foregoing appropriation item 195503, Local Development 65499
Projects, \$250,000 in each fiscal year shall be allocated to 65500
Fulton County or the Fulton County Land Bank for a program to 65501
demolish vacant commercial or industrial buildings located in 65502
Fulton County. The state funding shall be matched on a 1:1 basis 65503
by funding from any of the following entities: Fulton County, the 65504
municipality or township where the project is located, or any 65505
private entities or nonprofit organizations. The program shall 65506
prioritize the demolition of blighted or nuisance commercial or 65507
industrial buildings at locations that are depressing the value of 65508
surrounding properties and locations that have the greatest 65509
potential for new construction or development. 65510

Of the foregoing appropriation item 195503, Local Development 65511
Projects, \$150,000 in each fiscal year shall be allocated to the 65512
Stark County Minority Business Association to work in partnership 65513
with the Canton Regional Chamber of Commerce to support a 65514
demonstration pilot project. 65515

Of the foregoing appropriation item 195503, Local Development 65516
Projects, \$50,000 in fiscal year 2022 shall be granted to the 65517
Adams County Community Foundation. 65518

OHIO-ISRAEL AGRICULTURAL INITIATIVE 65519

The foregoing appropriation item 195537, Ohio-Israel 65520
Agricultural Initiative, shall be used for the Ohio-Israel 65521
Agricultural Initiative. The appropriation shall not be used for 65522
travel and entertainment expenses incurred under the initiative. 65523

SECTOR PARTNERSHIP NETWORKS 65524

The foregoing appropriation item 195553, Sector Partnership Networks, shall be used for the grant program described in section 122.179 of the Revised Code. 65525
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On July 1, 2022, or as soon as possible thereafter, the Director of Development shall certify to the Director of Budget and Management the unexpended, unencumbered balance of the fiscal year 2022 appropriation to the foregoing appropriation item. The certified amount is hereby reappropriated to the foregoing appropriation item in fiscal year 2023. 65528
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MAIN STREET JOB RECOVERY PROGRAM 65534

The foregoing appropriation item 195566, Main Street Job Recovery Program, shall be used by the Department of Development or in coordination with a statewide community development organization to provide grants to nonprofit organizations to create permanent business development and employment opportunities targeted to low- and moderate-income individuals or individuals of the reentry population. Grants shall be awarded by the Department based on the following criteria: (1) number of businesses created and expanded, (2) number of jobs created for low- and moderate-income individuals, and (3) the amount of funds leveraged as a result of the program. 65535
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Not later than June 30 of each year during the FY 2022-FY 2023 biennium, the Department of Development shall submit a written report describing the outcomes of the Main Street Job Recovery Program to the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the Ohio Legislative Service Commission. 65546
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RESIDENTIAL BROADBAND EXPANSION GRANTS 65553

The foregoing appropriation item 195651, Residential Broadband Expansion Grants, shall be used to make grants to expand 65554
65555

broadband service. 65556

Of the foregoing appropriation item 195651, Residential 65557
Broadband Expansion Grants, up to \$2,000,000 in the biennium 65558
ending June 30, 2023, may be used for a statewide initiative to 65559
support providing behavioral health in schools through telehealth. 65560

Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL 65561
OBLIGATION BOND DEBT SERVICE 65562

The foregoing appropriation line item 195901, Coal Research 65563
and Development General Obligation Bond Debt Service, shall be 65564
used to pay all debt service and related financing costs during 65565
the period July 1, 2021, through June 30, 2023, on obligations 65566
issued under sections 151.01 and 151.07 of the Revised Code. 65567

THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION 65568
BOND DEBT SERVICE 65569

The foregoing appropriation item 195905, Third Frontier 65570
Research and Development General Obligation Bond Debt Service, 65571
shall be used to pay all debt service and related financing costs 65572
during the period from July 1, 2021, through June 30, 2023, on 65573
obligations issued under sections 151.01 and 151.10 of the Revised 65574
Code. 65575

JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT 65576
SERVICE 65577

The foregoing appropriation item 195912, Job Ready Site 65578
Development General Obligation Bond Debt Service, shall be used to 65579
pay all debt service and related financing costs during the period 65580
from July 1, 2021, through June 30, 2023, on obligations issued 65581
under sections 151.01 and 151.11 of the Revised Code. 65582

Section 259.30. MINORITY BUSINESS BONDING FUND 65583

Notwithstanding Chapters 122., 169., and 175. of the Revised 65584

Code, the Director of Development may, upon the recommendation of 65585
the Minority Development Financing Advisory Board, pledge up to 65586
\$10,000,000 in the biennium ending June 30, 2023, of unclaimed 65587
funds administered by the Director of Commerce and allocated to 65588
the Minority Business Bonding Program under section 169.05 of the 65589
Revised Code. 65590

If needed for the payment of losses arising from the Minority 65591
Business Bonding Program, the Director of Budget and Management 65592
may, at the request of the Director of Development, request that 65593
the Director of Commerce transfer unclaimed funds that have been 65594
reported by holders of unclaimed funds under section 169.05 of the 65595
Revised Code to the Minority Bonding Fund (Fund 4490). The 65596
transfer of unclaimed funds shall only occur after proceeds of the 65597
initial transfer of \$2,700,000 by the Controlling Board to the 65598
Minority Business Bonding Program have been used for that purpose. 65599
If expenditures are required for payment of losses arising from 65600
the Minority Business Bonding Program, such expenditures shall be 65601
made from appropriation item 195658, Minority Business Bonding 65602
Contingency in the Minority Business Bonding Fund, and such 65603
amounts are hereby appropriated. 65604

BUSINESS ASSISTANCE PROGRAMS 65605

The foregoing appropriation item 195649, Business Assistance 65606
Programs, shall be used for administrative expenses associated 65607
with the operation of loan incentives within the Office of 65608
Strategic Business Investments. 65609

STATE SPECIAL PROJECTS 65610

The State Special Projects Fund (Fund 4F20), may be used for 65611
the deposit of private-sector funds from utility companies and for 65612
the deposit of other miscellaneous state funds. State moneys so 65613
deposited may also be used to match federal funding and to support 65614
programs of the Community Service Division and Business Services 65615

Division.	65616
MINORITY BUSINESS ENTERPRISE LOAN	65617
The foregoing appropriation item 195646, Minority Business	65618
Enterprise Loan, shall be used for awards under the Minority	65619
Business Enterprise Loan Program and to cover operating expenses	65620
of the Minority Business Development Division. All repayments from	65621
the Minority Development Financing Advisory Board Loan Program	65622
shall be deposited in the state treasury to the credit of the	65623
Minority Business Enterprise Loan Fund (Fund 4W10).	65624
ADVANCED ENERGY LOAN PROGRAMS	65625
The foregoing appropriation item 195660, Advanced Energy Loan	65626
Programs, shall be used to provide financial assistance to	65627
customers for eligible advanced energy projects for residential,	65628
commercial, and industrial business, local government, educational	65629
institution, nonprofit, and agriculture customers. The	65630
appropriation item may be used to match federal grant funding and	65631
to pay for the program's administrative costs as provided in	65632
sections 4928.61 to 4928.63 of the Revised Code and rules adopted	65633
by the Director of Development.	65634
MBD FINANCIAL ASSISTANCE FUND	65635
On July 1, 2021, or as soon as possible thereafter, the	65636
Director of Budget and Management may transfer \$20,000,000 cash	65637
from the State Small Business Credit Initiative Fund (Fund 3FJ0)	65638
to the MBD Financial Assistance Fund (Fund 5XH0), which is hereby	65639
created in the state treasury. All repayments from loans using	65640
Fund 5XH0 shall be credited to the fund.	65641
MINORITY BUSINESS MICROLOAN	65642
The foregoing appropriation item 195694, Micro-Enterprise	65643
Loan, shall be used to operate the Minority Business Microloan	65644
Program.	65645

WOMEN-OWNED BUSINESS LOAN 65646

The foregoing appropriation item 195632, Women-Owned Business 65647
Loan, shall be used to operate the Women-Owned Business Loan 65648
Program. 65649

INDOOR ENTERTAINMENT VENUES 65650

The foregoing appropriation item 195608, Indoor Entertainment 65651
Venues, shall be used by the Department of Development to provide 65652
grants to indoor entertainment venues impacted by the COVID-19 65653
pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, 65654
and \$30,000. Awards shall be based on factors such as demonstrated 65655
loss of revenue due to canceled events or performances. 65656

BAR AND RESTAURANT ASSISTANCE 65657

The foregoing appropriation item 195677, Bar and Restaurant 65658
Assistance, shall be used by the Department of Development to 65659
provide grants to bars and restaurants that have been impacted by 65660
the COVID-19 pandemic. Grants shall be awarded in amounts of 65661
\$10,000, \$20,000, and \$30,000 and shall be awarded based on 65662
factors such as demonstrated loss of revenue and the number of 65663
employees eligible bars and restaurants employ. 65664

LODGING INDUSTRY GRANTS 65665

The foregoing appropriation item 195685, Lodging Industry 65666
Grants, shall be used by the Department of Development to provide 65667
grants for lodging industry businesses impacted by the COVID-19 65668
pandemic. Grants shall be awarded in amounts of \$10,000, \$20,000, 65669
and \$30,000 and shall be awarded based on factors such as a 65670
demonstrated loss of revenue and occupancy rates. 65671

NEW BUSINESS RELIEF GRANT 65672

The foregoing appropriation item 195697, New Business Relief 65673
Grant, shall be used by the Department of Development to provide 65674
relief grants of \$10,000 for new businesses in this state opening 65675

after January 1, 2020. 65676

RESIDENTIAL BROADBAND EXPANSION GRANTS 65677

The foregoing appropriation item 195567, Residential 65678
Broadband Expansion Grants, shall be used for grants under the 65679
Ohio Residential Broadband Expansion Grant Program established in 65680
section 122.401 of the Revised Code. 65681

Any unexpended and unencumbered portion of the foregoing 65682
appropriation item 195567, Residential Broadband Expansion Grants, 65683
at the end of fiscal year 2022 is hereby reappropriated for the 65684
same purpose in fiscal year 2023. 65685

VOLUME CAP ADMINISTRATION 65686

The foregoing appropriation item 195654, Volume Cap 65687
Administration, shall be used for expenses related to the 65688
administration of the Volume Cap Program. Revenues received by the 65689
Volume Cap Administration Fund (Fund 6170) shall consist of 65690
application fees, forfeited deposits, and interest earned from the 65691
custodial account held by the Treasurer of State. 65692

Section 259.40. SUPPORTIVE SERVICES FUND 65693

On July 1 of each year in the biennium ending June 30, 2023, 65694
or as soon as possible thereafter, respectively, the Director of 65695
Budget and Management may transfer up to \$2,000,000 from the State 65696
Special Projects Fund (Fund 4F20) to the Supportive Services Fund 65697
(Fund 1350). 65698

DEVELOPMENT SERVICES OPERATIONS 65699

The Director of Development may assess offices of the 65700
department for the cost of central service operations. An 65701
assessment shall contain the characteristics of administrative 65702
ease and uniform application. A division's payments shall be 65703
credited to the Supportive Services Fund (Fund 1350) using an 65704
intrastate transfer voucher. 65705

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 65706

The foregoing appropriation item 195636, Development Services 65707
Reimbursable Expenditures, shall be used for reimbursable costs 65708
incurred by the department. Revenues to the General Reimbursement 65709
Fund (Fund 6850) shall consist of moneys charged for 65710
administrative costs that are not central service costs and 65711
repayments of loans, including the interest thereon, made from the 65712
Water and Sewer Fund (Fund 4440). 65713

Section 259.50. CAPITAL ACCESS LOAN PROGRAM 65714

The foregoing appropriation item 195628, Capital Access Loan 65715
Program, shall be used for operating, program, and administrative 65716
expenses of the program. Capital Access Loan Program funds shall 65717
be used in accordance with section 122.603 of the Revised Code to 65718
assist participating financial institutions in making program 65719
loans to eligible businesses that face barriers in accessing 65720
working capital and obtaining fixed-asset financing. 65721

The Director of Budget and Management may transfer an amount 65722
not to exceed \$2,000,000 cash in each fiscal year between the 65723
Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital 65724
Access Loan Fund (Fund 5S90), subject to Controlling Board 65725
approval. 65726

INNOVATION OHIO 65727

The foregoing appropriation item 195664, Innovation Ohio, 65728
shall be used to provide for Innovation Ohio purposes, including 65729
loan guarantees and loans under Chapter 166. and particularly 65730
sections 166.12 to 166.16 of the Revised Code. 65731

RESEARCH AND DEVELOPMENT 65732

The foregoing appropriation item 195665, Research and 65733
Development, shall be used to provide for research and development 65734
purposes, including loans, under Chapter 166. and particularly 65735

sections 166.17 to 166.21 of the Revised Code. 65736

FACILITIES ESTABLISHMENT 65737

The foregoing appropriation item 195615, Facilities 65738
Establishment, shall be used for the purposes of the Facilities 65739
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 65740
Code. In the biennium ending June 30, 2023, notwithstanding 65741
sections 127.14 and 131.35 of the Revised Code, the Controlling 65742
Board may authorize expenditures, in excess of the amount 65743
appropriated, using the Facilities Establishment Fund (Fund 7037) 65744
for purposes consistent with Chapter 166. of the Revised Code. The 65745
amounts authorized by the Controlling Board are hereby 65746
appropriated. 65747

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 65748

Notwithstanding Chapter 166. of the Revised Code, on July 1, 65749
2021, or as soon as possible thereafter, the Director of Budget 65750
and Management shall transfer \$8,000,000 cash from the Facilities 65751
Establishment Fund (Fund 7037) to the Rural Industrial Park Loan 65752
Fund (Fund 4Z60). The cash transfer is subject to Controlling 65753
Board approval under section 166.03 of the Revised Code. 65754

Notwithstanding Chapter 166. of the Revised Code, an amount 65755
not to exceed \$3,500,000 in cash in each fiscal year may be 65756
transferred from the Facilities Establishment Fund (Fund 7037) to 65757
the Business Assistance Fund (Fund 4510), subject to Controlling 65758
Board approval. 65759

Notwithstanding Chapter 166. of the Revised Code, the 65760
Director of Budget and Management may transfer an amount not to 65761
exceed \$5,000,000 in cash in each fiscal year from Fund 7037 to 65762
the Minority Business Enterprise Loan Fund (Fund 4W10), subject to 65763
Controlling Board approval. 65764

Notwithstanding Chapter 166. of the Revised Code, the 65765
Director of Budget and Management may transfer an amount not to 65766

exceed \$2,000,000 in cash in each fiscal year from Fund 7037 to 65767
the Capital Access Loan Fund (Fund 5S90), subject to Controlling 65768
Board approval. 65769

Section 259.60. THIRD FRONTIER OPERATING COSTS 65770

The foregoing appropriation items 195686, Third Frontier Tax 65771
Exempt - Operating, and 195620, Third Frontier Taxable - 65772
Operating, shall be used for operating expenses incurred in 65773
administering projects pursuant to sections 184.10 to 184.20 of 65774
the Revised Code. Operating expenses paid from appropriation item 65775
195686 shall be limited to the administration of projects funded 65776
from the Third Frontier Research & Development Fund (Fund 7011) 65777
and operating expenses paid from appropriation item 195620 shall 65778
be limited to the administration of projects funded from the Third 65779
Frontier Research & Development Taxable Bond Project Fund (Fund 65780
7014). 65781

**THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 65782
PROJECTS** 65783

The foregoing appropriation items 195687, Third Frontier 65784
Research & Development Projects, and 195692, Research & 65785
Development Taxable Bond Projects, shall be used to fund selected 65786
projects which may include internship programs. Eligible costs are 65787
those costs of research and development projects to which the 65788
proceeds of Fund 7011 and Fund 7014 are to be applied. 65789

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 65790

The Director of Budget and Management may approve written 65791
requests from the Director of Development for the transfer of 65792
appropriations between appropriation items 195687, Third Frontier 65793
Research & Development Projects, and 195692, Research & 65794
Development Taxable Bond Projects, based upon awards recommended 65795
by the Third Frontier Commission. 65796

In fiscal year 2023, the Director of Development may request 65797
that the Director of Budget and Management reappropriate any 65798
unexpended, unencumbered balances of the prior fiscal year's 65799
appropriation to the foregoing appropriation items 195687, Third 65800
Frontier Research & Development Projects, and 195692, Research & 65801
Development Taxable Bond Projects, for fiscal year 2023. The 65802
Director of Budget and Management may request additional 65803
information necessary for evaluating these requests, and the 65804
Director of Development shall provide the requested information to 65805
the Director of Budget and Management. Based on the information 65806
provided by the Director of Development, the Director of Budget 65807
and Management shall determine the amounts to be reappropriated, 65808
and those amounts are hereby reappropriated for fiscal year 2023. 65809

Section 259.70. HEAP WEATHERIZATION 65810

Up to twenty-five per cent of the federal funds deposited to 65811
the credit of the Home Energy Assistance Block Grant Fund (Fund 65812
3K90) may be expended from appropriation item 195614, HEAP 65813
Weatherization, to provide home weatherization services in the 65814
state as determined by the Director of Development. 65815

Section 259.80. OHIO INCUMBENT WORKFORCE JOB TRAINING FUND 65816

On July 1, 2021, or as soon as possible thereafter, the 65817
Director of Development, in consultation with the Treasurer of 65818
State, shall certify to the Director of Budget and Management the 65819
amount of bond proceeds collected under Chapter 3366. of the 65820
Revised Code in the semiannual period beginning January 1, 2021, 65821
and ending June 30, 2021. The Director of Budget and Management 65822
shall transfer an amount of cash equal to the certified amount 65823
from the fund designated by the Treasurer of State to receive the 65824
bond proceeds collected under Chapter 3366. of the Revised Code to 65825
the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0). 65826

	Section 261.10.	DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES			65827
	General Revenue Fund				65828
GRF	320411	Special Olympics	\$	100,000	\$ 100,000 65829
GRF	320412	Protective Services	\$	2,450,000	\$ 2,600,000 65830
GRF	320415	Developmental Disabilities	\$	27,000,000	\$ 27,000,000 65831
		Facilities Lease			
		Rental Bond Payments			
GRF	322421	Part C Early Intervention	\$	23,326,431	\$ 23,326,431 65832
GRF	322422	Multi System Youth	\$	2,500,000	\$ 4,000,000 65833
GRF	322508	Employment First Initiative	\$	2,700,000	\$ 2,700,000 65834
GRF	322509	Community Supports and Rental Assistance	\$	2,200,000	\$ 700,000 65835
GRF	653321	Medicaid Program Support - State	\$	7,000,000	\$ 7,000,000 65836
GRF	653407	Medicaid Services	\$	638,719,925	\$ 708,798,307 65837
TOTAL GRF	General Revenue Fund		\$	705,996,356	\$ 776,224,738 65838
	Dedicated Purpose Fund Group				65839
2210	322620	Supplement Service Trust	\$	500,000	\$ 500,000 65840
4890	653632	Developmental Centers Direct Care Services	\$	7,000,000	\$ 7,000,000 65841
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$ 750,000 65842
5EV0	653627	Medicaid Program Support	\$	2,500,000	\$ 2,500,000 65843
5GE0	320606	Central Office Operating Expenses	\$	20,500,000	\$ 20,500,000 65844
5GE0	653606	ICF/IID and Waiver	\$	60,100,000	\$ 60,100,000 65845

		Match				
5H00	322619	Medicaid Repayment	\$	900,000	\$	900,000 65846
5S20	653622	Medicaid	\$	29,000,000	\$	30,000,000 65847
		Administration & Oversight				
5Z10	653624	County Board Waiver	\$	420,000,000	\$	482,000,000 65848
		Match				
TOTAL DPF		Dedicated Purpose Fund	\$	541,250,000	\$	604,250,000 65849
		Group				
		Internal Service Activity Fund Group				65850
1520	653609	DC and Residential	\$	11,000,000	\$	12,000,000 65851
		Facilities Operating Services				
TOTAL ISA		Internal Service Activity	\$	11,000,000	\$	12,000,000 65852
		Fund Group				
		Federal Fund Group				65853
3250	322612	Community Social	\$	26,997,635	\$	26,997,635 65854
		Service Programs				
3A40	653654	Medicaid Services	\$	2,203,280,075	\$	2,203,201,693 65855
3A40	653655	Medicaid Support	\$	73,000,000	\$	76,000,000 65856
3A50	320613	Developmental	\$	3,200,000	\$	3,200,000 65857
		Disabilities Council				
TOTAL FED		Federal Fund Group	\$	2,306,477,710	\$	2,309,399,328 65858
TOTAL ALL BUDGET		FUND GROUPS	\$	3,564,724,066	\$	3,701,874,066 65859

Section 261.20. SPECIAL OLYMPICS 65861

The foregoing appropriation item 320411, Special Olympics, 65862
shall be distributed to the Special Olympics of Ohio. 65863

Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES 65864

LEASE-RENTAL BOND PAYMENTS 65865

The foregoing appropriation item 320415, Developmental 65866

Disabilities Facilities Lease Rental Bond Payments, shall be used 65867
to meet all payments during the period from July 1, 2021, through 65868
June 30, 2023, by the Department of Developmental Disabilities 65869
pursuant to leases and agreements made under section 154.20 of the 65870
Revised Code. These appropriations are the source of funds pledged 65871
for bond service charges on related obligations issued under 65872
Chapter 154. of the Revised Code. 65873

Section 261.35. PART C EARLY INTERVENTION 65874

Of the foregoing appropriation item 322421, Part C Early 65875
Intervention, \$1,000,000 in each fiscal year shall be used to 65876
contract with the Cleveland Sight Center, the Cincinnati 65877
Association for the Blind and Visually Impaired, and the Sight 65878
Center of Northwest Ohio to provide early intervention special 65879
instruction services and family support to children under the age 65880
of three years old with blindness or low vision. 65881

Section 261.40. MULTI-SYSTEM YOUTH 65882

Of the foregoing appropriation item 322422, Multi-System 65883
Youth, a portion may be used to provide a subsidy to eligible 65884
county boards of developmental disabilities for the provision of 65885
respite services and other services and supports for youth with 65886
complex or multi-system needs to enable them to remain in their 65887
homes with their families or in their communities. The Director of 65888
Developmental Disabilities shall establish the total amount 65889
available for the subsidy, a formula for distributing the subsidy 65890
to eligible county boards, and the eligibility requirements county 65891
boards must satisfy to receive the subsidy. 65892

Section 261.50. EMPLOYMENT FIRST INITIATIVE 65893

The foregoing appropriation item 322508, Employment First 65894
Initiative, shall be used to increase employment opportunities for 65895

individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 65896
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Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments. 65899
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 65921
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Section 261.60. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 65926

The foregoing appropriation item 322509, Community Supports and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and individuals with developmental disabilities who enroll in a Medicaid waiver component providing home and community-based services after receiving preadmission counseling pursuant to section 5124.68 of the Revised Code. The Director shall establish the methodology for determining the amount and distribution of such funding.

Section 261.70. MEDICAID SERVICES

(A) As used in this section:

(1) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(2) "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.

(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:

(1) Home and community-based services;

(2) Implementation of the requirements of the agreement settling the consent decree in *Sermak v. Manuel*, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;

(3) Implementation of the requirements of the agreement settling the consent decree in *Martin v. Strickland*, Case No. 89-CV-00362, United States District Court for the Southern

District of Ohio, Eastern Division;	65957
(4) ICF/IID services; and	65958
(5) Other programs as identified by the Director of Developmental Disabilities.	65959 65960
Section 261.80. OPERATING AND SERVICES	65961
Of the foregoing appropriation item 320606, Operating and Services, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.	65962 65963 65964 65965
Section 261.90. COMMUNITY SOCIAL SERVICE PROGRAMS	65966
A portion of the foregoing appropriation item 322612, Community Social Service Programs, may be used by the Early Intervention Services Advisory Council for the following purposes:	65967 65968 65969
(A) In addition to other necessary and allowed uses of funds and in accordance with 20 U.S.C. 1441(d), the Early Intervention Services Advisory Council established pursuant to section 5123.0422 of the Revised Code, may, in its discretion, use budgeted funds to do all of the following:	65970 65971 65972 65973 65974
(1) Conduct forums and hearings;	65975
(2) Reimburse council members for reasonable and necessary expenses, including child care expenses for parent representatives, for attending council meetings and performing council duties;	65976 65977 65978 65979
(3) Pay compensation to a council member if the member is not employed or must forfeit wages from other employment when performing official council business;	65980 65981 65982
(4) Hire staff;	65983
(5) Obtain the services of professional, technical, and	65984

clerical personnel as necessary to carry out the performance of 65985
its lawful functions. 65986

(B) Except as provided in division (A) of this section, 65987
council members shall serve without compensation or reimbursement. 65988

Section 261.100. COUNTY BOARD SHARE OF WAIVER SERVICES 65989

As used in this section, "home and community-based services" 65990
has the same meaning as in section 5123.01 of the Revised Code. 65991

The Director of Developmental Disabilities shall establish a 65992
methodology to be used in fiscal year 2022 and fiscal year 2023 to 65993
estimate the quarterly amount each county board of developmental 65994
disabilities is to pay of the nonfederal share of home and 65995
community-based services that section 5126.0510 of the Revised 65996
Code requires county boards to pay. Each quarter, the Director 65997
shall submit to a county board written notice of the amount the 65998
county board is to pay for that quarter. The notice shall specify 65999
when the payment is due. 66000

Section 261.110. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 66001

If a county board of developmental disabilities does not 66002
fully pay any amount owed to the Department of Developmental 66003
Disabilities by the due date established by the Department, the 66004
Director of Developmental Disabilities may withhold the amount the 66005
county board did not pay from any amounts due to the county board. 66006
The Director may use any appropriation item or fund used by the 66007
Department to transfer cash to any other fund used by the 66008
Department in an amount equal to the amount owed the Department 66009
that the county board did not pay. Transfers under this section 66010
shall be made using an intrastate transfer voucher. 66011

Section 261.120. ODODD INNOVATIVE PILOT PROJECTS 66012

(A) In fiscal year 2022 and fiscal year 2023, the Director of 66013

Developmental Disabilities may authorize the continuation or 66014
implementation of one or more innovative pilot projects that, in 66015
the judgment of the Director, are likely to assist in promoting 66016
the objectives of Chapter 5123. or 5126. of the Revised Code. 66017
Subject to division (B) of this section and notwithstanding any 66018
provision of Chapters 5123. and 5126. of the Revised Code and any 66019
rule adopted under either chapter, a pilot project authorized by 66020
the Director may be continued or implemented in a manner 66021
inconsistent with one or more provisions of either chapter or one 66022
or more rules adopted under either chapter. Before authorizing a 66023
pilot program, the Director shall consult with entities interested 66024
in the issue of developmental disabilities, including the Ohio 66025
Provider Resource Association, Ohio Association of County Boards 66026
of Developmental Disabilities, Ohio Health Care Association/Ohio 66027
Centers for Intellectual Disabilities, the Values and Faith 66028
Alliance, and ARC of Ohio. 66029

(B) The Director may not authorize a pilot project to be 66030
implemented in a manner that would cause the state to be out of 66031
compliance with any requirements for a program funded in whole or 66032
in part with federal funds. 66033

Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES 66034

(A) As used in this section, "ICF/IID," "ICF/IID services," 66035
and "Medicaid-certified capacity" have the same meanings as in 66036
section 5124.01 of the Revised Code. 66037

(B) The Director of Developmental Disabilities shall pay the 66038
nonfederal share of a claim for ICF/IID services using funds 66039
specified in division (C) of this section if all of the following 66040
apply: 66041

(1) Medicaid covers the ICF/IID services. 66042

(2) The ICF/IID services are provided to a Medicaid recipient 66043

to whom both of the following apply: 66044

(a) The Medicaid recipient is eligible for the ICF/IID 66045
services. 66046

(b) The Medicaid recipient does not occupy a bed in the 66047
ICF/IID that used to be included in the Medicaid-certified 66048
capacity of another ICF/IID certified by the Director of Health 66049
before June 1, 2003. 66050

(3) The ICF/IID services are provided by an ICF/IID whose 66051
Medicaid certification by the Director of Health was initiated or 66052
supported by a county board of developmental disabilities. 66053

(4) The provider of the ICF/IID services has a valid Medicaid 66054
provider agreement for the services for the time that the services 66055
are provided. 66056

(C) When required by division (B) of this section to pay the 66057
nonfederal share of a claim, the Director of Developmental 66058
Disabilities shall use the following funds to pay the claim: 66059

(1) Funds available from appropriation item 653407, Medicaid 66060
Services, that the Director allocates to the county board that 66061
initiated or supported the Medicaid certification of the ICF/IID 66062
that provided the ICF/IID services for which the claim is made; 66063

(2) If the amount of funds used pursuant to division (C)(1) 66064
of this section is insufficient to pay the claim in full, an 66065
amount of funds that are needed to make up the difference and 66066
available from amounts the Director allocates to other county 66067
boards from appropriation item 653407, Medicaid Services. 66068

Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 66069
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 66070

(A) As used in this section: 66071

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 66072

that converted some or all of its beds to providing home and 66073
community-based services under the IO Waiver pursuant to section 66074
5124.60 of the Revised Code. 66075

(2) "Developmental center" and "ICF/IID" have the same 66076
meanings as in section 5124.01 of the Revised Code. 66077

(3) "IO Waiver" means the Medicaid waiver component, as 66078
defined in section 5166.01 of the Revised Code, known as 66079
Individual Options. 66080

(4) "Medicaid provider" has the same meaning as in section 66081
5164.01 of the Revised Code. 66082

(5) "Public hospital" has the same meaning as in section 66083
5122.01 of the Revised Code. 66084

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to 66085
whom all of the following apply: 66086

(a) The enrollee resided in a developmental center, converted 66087
facility, or public hospital immediately before enrolling in the 66088
IO Wavier. 66089

(b) The enrollee did not receive before July 1, 2011, routine 66090
homemaker/personal care services from the Medicaid provider that 66091
is to be paid the Medicaid rate authorized by this section for 66092
providing such services to the enrollee during the period 66093
specified in division (C) of this section. 66094

(c) The Director of Developmental Disabilities has determined 66095
that the enrollee's special circumstances (including the 66096
enrollee's diagnosis, service needs, or length of stay at the 66097
developmental center, converted facility, or public hospital) 66098
warrants paying the Medicaid rate authorized by this section. 66099

(B) The total Medicaid payment rate for each fifteen minutes 66100
of routine homemaker/personal care services that a Medicaid 66101
provider provides to a qualifying IO enrollee during the period 66102

specified in division (C) of this section shall be fifty-two cents 66103
higher than the Medicaid payment rate in effect on the day the 66104
services are provided for each fifteen minutes of routine 66105
homemaker/personal care services that a Medicaid provider provides 66106
to an IO enrollee who is not a qualifying IO enrollee. 66107

(C) Division (B) of this section applies to the first twelve 66108
months, consecutive or otherwise, that a Medicaid provider, during 66109
the period beginning July 1, 2021, and ending July 1, 2023, 66110
provides routine homemaker/personal care services to a qualifying 66111
IO enrollee. 66112

(D) Of the foregoing appropriation items 653407, Medicaid 66113
Services, and 653654, Medicaid Services, portions shall be used to 66114
pay the Medicaid payment rate determined in accordance with this 66115
section for routine homemaker/personal care services provided to 66116
qualifying IO enrollees. 66117

Section 261.150. FISCAL YEAR 2022 and 2023 ICF/IID MEDICAID 66118
RATES FOR PEER GROUPS 1, 2, 3, 4, AND 5 66119

(A) As used in this section: 66120

(1) "Change of operator," "entering operator," "exiting 66121
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 66122
group 1," "peer group 2," "peer group 3," "peer group 4," "peer 66123
group 5," "provider," and "provider agreement" have the same 66124
meanings as in section 5124.01 of the Revised Code. 66125

(2) "Franchise permit fee" means the fee imposed by sections 66126
5168.60 to 5168.71 of the Revised Code. 66127

(B)(1) This section applies to each ICF/IID that is in peer 66128
group 1, peer group 2, peer group 3, peer group 4, or peer group 5 66129
and to which any of the following, as applicable to a fiscal year, 66130
applies: 66131

(a) In the context of determining an ICF/IID's total Medicaid 66132

payment rate for fiscal year 2022, any of the following is the 66133
case: 66134

(i) The provider of the ICF/IID has a valid Medicaid provider 66135
agreement for the ICF/IID on June 30, 2021, and a valid Medicaid 66136
provider agreement for the ICF/IID during fiscal year 2022. 66137

(ii) The ICF/IID undergoes a change of operator that takes 66138
effect during fiscal year 2022, the existing operator has a valid 66139
Medicaid provider agreement for the ICF/IID on the day immediately 66140
preceding the effective date of the change of operator, and the 66141
entering operator has a valid Medicaid provider agreement for the 66142
ICF/IID during fiscal year 2022. 66143

(iii) The ICF/IID is a new ICF/IID for which the provider 66144
obtains an initial provider agreement during fiscal year 2022. 66145

(b) In the context of determining an ICF/IID's total Medicaid 66146
payment rate for fiscal year 2023, any of the following is the 66147
case: 66148

(i) The provider of the ICF/IID has a valid Medicaid provider 66149
agreement for the ICF/IID on June 30, 2022, and a valid Medicaid 66150
provider agreement for the ICF/IID during fiscal year 2023. 66151

(ii) The ICF/IID undergoes a change of operator that takes 66152
effect during fiscal year 2023, the existing operator has a valid 66153
Medicaid provider agreement for the ICF/IID on the day immediately 66154
preceding the effective date of the change of operator, and the 66155
entering operator has a valid Medicaid provider agreement for the 66156
ICF/IID during fiscal year 2023. 66157

(iii) The ICF/IID is a new ICF/IID for which the provider 66158
obtains an initial provider agreement during fiscal year 2023. 66159

(2) Notwithstanding Chapter 5124. of the Revised Code, the 66160
Department of Developmental Disabilities shall follow this section 66161
in determining the rate to be paid for ICF/IID services provided 66162

during fiscal years 2022 and 2023 by ICFs/IID subject to this 66163
section. 66164

(C) If the mean total per Medicaid day rate for all ICFs/IID 66165
to which the section applies, as determined under division (B) of 66166
this section, as of the first day of a fiscal year for which a 66167
rate is determined under this section and weighted by May Medicaid 66168
days from the calendar year in which the fiscal year begins, is 66169
greater than \$350.87, the Department shall adjust, for the fiscal 66170
year for which the rate is determined, the total per Medicaid day 66171
rate for each ICF/IID to which this section applies by a 66172
percentage by which the mean total per Medicaid day rate is 66173
greater than \$350.87. 66174

(D) If the United States Centers for Medicare and Medicaid 66175
Services requires that the franchise permit fee be reduced or 66176
eliminated, the Department shall reduce the amount it pays ICF/IID 66177
providers under this section as necessary to reflect the loss to 66178
the state of the revenue and federal financial participation 66179
generated from the franchise permit fee. 66180

(E) Of the foregoing appropriation items 653407, Medicaid 66181
Services, 653606, ICF/IID and Waiver Match, and 653654, Medicaid 66182
Services, portions shall be used to pay the Medicaid payment rates 66183
determined in accordance with this section for ICF/IID services 66184
provided during fiscal years 2022 and 2023. 66185

Section 261.160. COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 66186
TECHNOLOGY FIRST INITIATIVE 66187

Of the foregoing appropriation item 322509, Community 66188
Supports and Rental Assistance, up to \$1,500,000 in fiscal year 66189
2022 may be used to increase access and utilization of innovative 66190
technology for individuals with developmental disabilities in 66191
accordance with the Technology First Initiative established in 66192
section 5123.025 of the Revised Code. An amount equal to the 66193

unexpended, unencumbered balance of this earmark at the end of 66194
fiscal year 2022 is hereby reappropriated to appropriation item 66195
322509, Community Supports and Rental Assistance, for the same 66196
purpose for fiscal year 2023. 66197

Section 261.170. PAYMENT RATES FOR ADULT DAY CARE SERVICES 66198

(A) The Department of Developmental Disabilities shall use 66199
\$5,000,000 in each fiscal year to increase the payment rates 66200
during fiscal year 2022 and fiscal year 2023 for the home and 66201
community-based services waiver adult day care services provided 66202
by Medicaid-funded and state-funded providers. 66203

(B) The Department of Developmental Disabilities shall 66204
establish a methodology for calculating the rate increase from the 66205
funds under division (A) of this section. 66206

Section 265.10. EDU DEPARTMENT OF EDUCATION 66207

General Revenue Fund 66208

GRF 200321 Operating Expenses \$ 15,140,623 \$ 15,140,623 66209

GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789 66210

Education

GRF 200420 Information Technology \$ 3,680,482 \$ 3,680,482 66211

Development and

Support

GRF 200422 School Management \$ 2,337,711 \$ 2,337,711 66212

Assistance

GRF 200424 Policy Analysis \$ 450,950 \$ 450,950 66213

GRF 200426 Ohio Educational \$ 15,107,422 \$ 15,107,422 66214

Computer Network

GRF 200427 Academic Standards \$ 3,883,525 \$ 3,883,525 66215

GRF 200437 Student Assessment \$ 56,282,168 \$ 56,282,168 66216

GRF 200439 Accountability/Report \$ 7,168,977 \$ 7,197,050 66217

Cards

GRF 200442	Child Care Licensing	\$	2,127,153	\$	2,127,153	66218
GRF 200446	Education Management Information System	\$	8,174,415	\$	8,174,415	66219
GRF 200448	Educator Preparation	\$	6,574,384	\$	6,574,384	66220
GRF 200455	Community Schools and Choice Programs	\$	4,412,546	\$	4,412,546	66221
GRF 200457	STEM Initiatives	\$	320,000	\$	0	66222
GRF 200465	Education Technology Resources	\$	4,881,854	\$	4,881,854	66223
GRF 200478	Industry-Recognized Credentials High School Students	\$	20,500,000	\$	20,500,000	66224
GRF 200502	Pupil Transportation	\$	656,379,809	\$	680,379,809	66225
GRF 200503	Bus Purchase Allowance	\$	45,000,000	\$	45,000,000	66226
GRF 200505	School Lunch Match	\$	8,963,500	\$	8,963,500	66227
GRF 200511	Auxiliary Services	\$	154,939,134	\$	154,939,134	66228
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735	66229
GRF 200540	Special Education Enhancements	\$	180,850,000	\$	185,850,000	66230
GRF 200545	Career-Technical Education Enhancements	\$	14,300,892	\$	18,500,892	66231
GRF 200550	Foundation Funding	\$	6,681,118,845	\$	6,769,118,845	66232
GRF 200566	Literacy Improvement	\$	1,052,172	\$	1,052,172	66233
GRF 200572	Adult Education Programs	\$	9,152,210	\$	9,152,210	66234
GRF 200573	EdChoice Expansion	\$	92,179,867	\$	92,179,867	66235
GRF 200574	Half-Mill Maintenance Equalization	\$	17,464,102	\$	15,238,834	66236
GRF 200576	Adaptive Sports Program	\$	250,000	\$	250,000	66237
GRF 200597	Program and Project	\$	1,188,000	\$	1,188,000	66238

Support			
GRF 657401	Medicaid in Schools	\$ 297,978	\$ 297,978 66239
TOTAL GRF	General Revenue Fund	\$ 8,152,293,243	\$ 8,270,976,048 66240
Dedicated Purpose Fund Group			66241
4520 200638	Charges and Reimbursements	\$ 1,000,000	\$ 1,000,000 66242
4L20 200681	Teacher Certification and Licensure	\$ 14,000,000	\$ 14,000,000 66243
5980 200659	Auxiliary Services Reimbursement	\$ 1,300,000	\$ 1,300,000 66244
5H30 200687	School District Solvency Assistance	\$ 2,000,000	\$ 2,000,000 66245
5KX0 200691	Ohio School Sponsorship Program	\$ 1,250,000	\$ 1,250,000 66246
5MM0 200677	Child Nutrition Refunds	\$ 550,000	\$ 550,000 66247
5U20 200685	National Education Statistics	\$ 175,000	\$ 175,000 66248
5VS0 200604	Student Wellness and Success	\$ 500,000,000	\$ 600,000,000 66249
6200 200615	Educational Improvement Grants	\$ 600,000	\$ 600,000 66250
TOTAL DPF	Dedicated Purpose Fund Group	\$ 520,875,000	\$ 620,875,000 66251
Internal Service Activity Fund Group			66252
1380 200606	Information Technology Development and Support	\$ 8,289,074	\$ 8,537,746 66253
4R70 200695	Indirect Operational Support	\$ 7,856,766	\$ 7,856,766 66254
4V70 200633	Interagency Program	\$ 5,000,000	\$ 5,000,000 66255

Support			
TOTAL ISA Internal Service Activity	\$	21,145,840	\$ 21,394,512 66256
Fund Group			
State Lottery Fund Group			66257
7017 200612 Foundation Funding	\$	1,213,400,000	\$ 1,242,400,000 66258
7017 200614 Accelerate Great	\$	1,500,000	\$ 1,500,000 66259
Schools			
7017 200616 Literacy Improvement	\$	500,000	\$ 500,000 66260
7017 200631 Quality Community	\$	30,000,000	\$ 30,000,000 66261
Schools Support			
7017 200684 Community School	\$	20,600,000	\$ 20,600,000 66262
Facilities			
TOTAL SLF State Lottery Fund Group	\$	1,266,000,000	\$ 1,295,000,000 66263
Federal Fund Group 66264			
3670 200607 School Food Services	\$	12,254,397	\$ 12,611,321 66265
3700 200624 Education of	\$	2,000,000	\$ 2,000,000 66266
Exceptional Children			
3AF0 657601 Schools Medicaid	\$	295,500	\$ 295,500 66267
Administrative Claims			
3AN0 200671 School Improvement	\$	17,000,000	\$ 0 66268
Grants			
3C50 200661 Early Childhood	\$	14,000,000	\$ 14,000,000 66269
Education			
3EH0 200620 Migrant Education	\$	2,700,000	\$ 2,700,000 66270
3EJ0 200622 Homeless Children	\$	3,600,000	\$ 3,600,000 66271
Education			
3FE0 200669 Striving Readers	\$	2,000,000	\$ 0 66272
3GE0 200674 Summer Food Service	\$	60,000,000	\$ 30,000,000 66273
Program			
3GG0 200676 Fresh Fruit and	\$	5,145,074	\$ 5,145,074 66274
Vegetable Program			
3HF0 200649 Federal Education	\$	7,056,327	\$ 7,056,327 66275

		Grants			
3HI0	200634	Student Support and Academic Enrichment	\$ 40,042,720	\$ 40,042,720	66276
3HL0	200678	Comprehensive Literacy State Development Program	\$ 14,630,000	\$ 14,630,000	66277
3HQ0	200627	Governor Emergency Education Relief - EDU	\$ 30,104,684	\$ 0	66278
3HS0	200640	Federal Coronavirus School Relief	\$ 1,200,000,000	\$ 1,200,000,000	66279
3L60	200617	Federal School Lunch	\$ 430,837,000	\$ 430,837,000	66280
3L70	200618	Federal School Breakfast	\$ 163,350,081	\$ 163,350,081	66281
3L80	200619	Child/Adult Food Programs	\$ 113,328,580	\$ 113,328,580	66282
3L90	200621	Career-Technical Education Basic Grant	\$ 46,000,000	\$ 46,000,000	66283
3M00	200623	ESEA Title 1A	\$ 600,000,000	\$ 600,000,000	66284
3M20	200680	Individuals with Disabilities Education Act	\$ 490,000,000	\$ 500,000,000	66285
3T40	200613	Public Charter Schools	\$ 4,500,000	\$ 4,500,000	66286
3Y20	200688	21st Century Community Learning Centers	\$ 43,000,000	\$ 43,000,000	66287
3Y60	200635	Improving Teacher Quality	\$ 77,000,000	\$ 77,000,000	66288
3Y70	200689	English Language Acquisition	\$ 11,000,000	\$ 11,000,000	66289
3Y80	200639	Rural and Low Income Technical Assistance	\$ 3,600,000	\$ 3,600,000	66290

3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000	66291
3Z30	200645	Consolidated Federal	\$	10,900,000	\$	10,900,000	66292
		Grant Administration					
TOTAL FED		Federal Fund Group	\$	3,416,344,363	\$	3,347,596,603	66293
TOTAL ALL BUDGET FUND GROUPS			\$	13,376,658,446	\$	13,555,842,163	66294

Section 265.20. OPERATING EXPENSES 66296

A portion of the foregoing appropriation item 200321, 66297
Operating Expenses, shall be used by the Department of Education 66298
to provide matching funds related to career-technical education 66299
under 20 U.S.C. 2321. 66300

EARLY CHILDHOOD EDUCATION 66301

The Department of Education shall distribute the foregoing 66302
appropriation item 200408, Early Childhood Education, to pay the 66303
costs of early childhood education programs. The Department shall 66304
distribute such funds directly to qualifying providers. 66305

(A) As used in this section: 66306

(1) "Provider" means a city, local, exempted village, or 66307
joint vocational school district; an educational service center; a 66308
community school established under Chapter 3314. of the Revised 66309
Code that is sponsored by an exemplary sponsor; notwithstanding 66310
anything to the contrary in Chapter 3326. of the Revised Code, a 66311
STEM school that is established under that chapter; a chartered 66312
nonpublic school; an early childhood education child care provider 66313
licensed under Chapter 5104. of the Revised Code that participates 66314
in and meets at least the third highest tier of the Step Up to 66315
Quality program established pursuant to section 5104.29 of the 66316
Revised Code; or a combination of entities described in this 66317
paragraph. 66318

(2) In the case of a city, local, or exempted village school 66319
district or early childhood education child care provider licensed 66320

under Chapter 5104. of the Revised Code, "new eligible provider" 66321
means a provider that did not receive state funding for Early 66322
Childhood Education in the previous fiscal year or demonstrates a 66323
need for early childhood programs as defined in division (D) of 66324
this section. 66325

(3) In the case of a community school, "new eligible 66326
provider" means either of the following: 66327

(a) A community school established under Chapter 3314. of the 66328
Revised Code that is sponsored by a sponsor rated "exemplary" in 66329
accordance with section 3314.016 of the Revised Code that offers a 66330
child care program in accordance with sections 3301.50 to 3301.59 66331
of the Revised Code that did not receive state funding for Early 66332
Childhood Education in the previous fiscal year; 66333

(b) A community school established under Chapter 3314. of the 66334
Revised Code that satisfies all of the following criteria: 66335

(i) It has received, on its most recent report card, either 66336
of the following: 66337

(I) If the school offers any of grade levels four through 66338
twelve, a grade of "C" or better for the overall value-added 66339
progress dimension under division (C)(1)(e) of section 3302.03 of 66340
the Revised Code and for the performance index score under 66341
division (C)(1)(b) of section 3302.03 of the Revised Code; 66342

(II) If the school does not offer a grade level higher than 66343
three, a grade of "C" or better for making progress in improving 66344
literacy in grades kindergarten through three under division 66345
(C)(1)(g) of section 3302.03 of the Revised Code. 66346

(ii) It offers a child care program in accordance with 66347
sections 3301.50 to 3301.59 of the Revised Code. 66348

(iii) It did not receive state funding for Early Childhood 66349
Education in the previous fiscal year. 66350

(4)(a) "Eligible child" means a child who is at least four years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their fourth birthday.

(b) If, on the first day of October of each fiscal year, a provider has remaining award funds after enrolling eligible children under division (A)(4)(a) of this section, the provider may seek approval from the Department to consider a child who is at least three years of age, is not of age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as an eligible child. Upon approval from the Department, the provider may use the remaining award funds to serve such three-year-old children as eligible children.

(5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning and development programs.

(6) "Early learning and development programs" has the same meaning as in section 5104.29 of the Revised Code.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the

President of the Senate and post the report to the Department's 66382
web site, regarding early childhood education programs operated 66383
under this section and the early learning program standards. 66384

(D) After setting aside the amounts to make payments due from 66385
the previous fiscal year, in fiscal year 2022, the Department 66386
shall distribute funds first to recipients of funds for early 66387
childhood education programs under Section 265.20 of H.B. 166 of 66388
the 133rd General Assembly in the previous fiscal year and the 66389
balance to new eligible providers of early childhood education 66390
programs or to existing providers to serve more eligible children 66391
pursuant to division (E) of this section or for purposes of 66392
program expansion, improvement, or special projects to promote 66393
quality and innovation. 66394

After setting aside the amounts to make payments due from the 66395
previous fiscal year, in fiscal year 2023, the Department shall 66396
distribute funds first to providers of early childhood education 66397
programs under this section in the previous fiscal year and the 66398
balance to new eligible providers or to existing providers to 66399
serve more eligible children as outlined under division (E) of 66400
this section or for purposes of program expansion, improvement, or 66401
special projects to promote quality and innovation. 66402

(E)(1) The Department shall distribute any new or remaining 66403
funding to existing providers of early childhood education 66404
programs or any new eligible providers in an effort to invest in 66405
high quality early childhood programs where there is a need as 66406
determined by the Department. The Department shall distribute the 66407
new or remaining funds to existing providers of early childhood 66408
education programs or any new eligible providers to serve 66409
additional eligible children based on community economic 66410
disadvantage, limited access to high quality preschool or 66411
childcare services, and demonstration of high quality preschool 66412
services as determined by the Department using new metrics 66413

developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011. 66414
66415

(2) Awards under divisions (D) and (E) of this section shall 66416
be distributed on a per-pupil basis, and in accordance with 66417
division (I) of this section. The Department may adjust the 66418
per-pupil amount so that the per-pupil amount multiplied by the 66419
number of eligible children enrolled and receiving services on the 66420
first day of December or the business day closest to that date 66421
equals the amount allocated under this section. 66422

(F) Costs for developing and administering an early childhood 66423
education program may not exceed fifteen per cent of the total 66424
approved costs of the program. 66425

All providers shall maintain such fiscal control and 66426
accounting procedures as may be necessary to ensure the 66427
disbursement of, and accounting for, these funds. The control of 66428
funds provided in this program, and title to property obtained, 66429
shall be under the authority of the approved provider for purposes 66430
provided in the program unless, as described in division (K) of 66431
this section, the program waives its right for funding or a 66432
program's funding is eliminated or reduced due to its inability to 66433
meet financial or early learning program standards. The approved 66434
provider shall administer and use such property and funds for the 66435
purposes specified. 66436

(G) The Department may examine a provider's financial and 66437
program records. If the financial practices of the program are not 66438
in accordance with standard accounting principles or do not meet 66439
financial standards outlined under division (F) of this section, 66440
or if the program fails to substantially meet the early learning 66441
program standards, meet a quality rating level in the Step Up to 66442
Quality program established pursuant to section 5104.29 of the 66443
Revised Code as prescribed by the Department, or exhibits below 66444
average performance as measured against the standards, the early 66445

childhood education program shall propose and implement a 66446
corrective action plan that has been approved by the Department. 66447
The approved corrective action plan shall be signed by the chief 66448
executive officer and the executive of the official governing body 66449
of the provider. The corrective action plan shall include a 66450
schedule for monitoring by the Department. Such monitoring may 66451
include monthly reports, inspections, a timeline for correction of 66452
deficiencies, and technical assistance to be provided by the 66453
Department or obtained by the early childhood education program. 66454
The Department may withhold funding pending corrective action. If 66455
an early childhood education program fails to satisfactorily 66456
complete a corrective action plan, the Department may deny 66457
expansion funding to the program or withdraw all or part of the 66458
funding to the program and establish a new eligible provider 66459
through a selection process established by the Department. 66460

(H)(1) If the early childhood education program is licensed 66461
by the Department of Education and is not highly rated, as 66462
determined by the Director of Job and Family Services, under the 66463
Step Up to Quality program established pursuant to section 5104.29 66464
of the Revised Code, the program shall do all of the following: 66465

(a) Meet teacher qualification requirements prescribed by 66466
section 3301.311 of the Revised Code; 66467

(b) Align curriculum to the early learning content standards 66468
developed by the Department; 66469

(c) Meet any child or program assessment requirements 66470
prescribed by the Department; 66471

(d) Require teachers, except teachers enrolled and working to 66472
obtain a degree pursuant to section 3301.311 of the Revised Code, 66473
to attend a minimum of twenty hours every two years of 66474
professional development as prescribed by the Department; 66475

(e) Document and report child progress as prescribed by the 66476

Department; 66477

(f) Meet and report compliance with the early learning 66478
program standards as prescribed by the Department; 66479

(g) Participate in the Step Up to Quality program established 66480
pursuant to section 5104.29 of the Revised Code. 66481

(2) If the program is highly rated, as determined by the 66482
Director of Job and Family Services, under the Step Up to Quality 66483
program established pursuant to section 5104.29 of the Revised 66484
Code, the program shall comply with the requirements of that 66485
program. 66486

(I) Per-pupil funding for programs subject to this section 66487
shall be sufficient to provide eligible children with services for 66488
a standard early childhood schedule which shall be defined in this 66489
section as a minimum of twelve and one-half hours per school week 66490
as defined in section 3313.62 of the Revised Code for the minimum 66491
school year as defined in sections 3313.48, 3313.481, and 3313.482 66492
of the Revised Code. Nothing in this section shall be construed to 66493
prohibit program providers from utilizing other funds to serve 66494
eligible children in programs that exceed the twelve and one-half 66495
hours per week or that exceed the minimum school year. For any 66496
provider for which a standard early childhood education schedule 66497
creates a hardship or for which the provider shows evidence that 66498
the provider is working in collaboration with a preschool special 66499
education program, the provider may submit a waiver to the 66500
Department requesting an alternate schedule. If the Department 66501
approves a waiver for an alternate schedule that provides services 66502
for less time than the standard early childhood education 66503
schedule, the Department may reduce the provider's annual 66504
allocation proportionately. Under no circumstances shall an annual 66505
allocation be increased because of the approval of an alternate 66506
schedule. 66507

(J) Each provider shall develop a sliding fee scale based on 66508
family incomes and shall charge families who earn more than two 66509
hundred per cent of the federal poverty guidelines, as defined in 66510
division (A)(3) of section 5101.46 of the Revised Code, for the 66511
early childhood education program. 66512

The Department shall conduct an annual survey of each 66513
provider to determine whether the provider charges families 66514
tuition or fees, the amount families are charged relative to 66515
family income levels, and the number of families and students 66516
charged tuition and fees for the early childhood program. 66517

(K) If an early childhood education program voluntarily 66518
waives its right for funding, or has its funding eliminated for 66519
not meeting financial standards or the early learning program 66520
standards, the provider shall transfer control of title to 66521
property, equipment, and remaining supplies obtained through the 66522
program to providers designated by the Department and return any 66523
unexpended funds to the Department along with any reports 66524
prescribed by the Department. The funding made available from a 66525
program that waives its right for funding or has its funding 66526
eliminated or reduced may be used by the Department for new grant 66527
awards or expansion grants. The Department may award new grants or 66528
expansion grants to eligible providers who apply. The eligible 66529
providers who apply must do so in accordance with the selection 66530
process established by the Department. 66531

(L) Eligible expenditures for the Early Childhood Education 66532
Program shall be claimed each fiscal year to help meet the state's 66533
TANF maintenance of effort requirement. The Superintendent of 66534
Public Instruction and the Director of Job and Family Services 66535
shall enter into an interagency agreement to carry out the 66536
requirements under this division, which shall include developing 66537
reporting guidelines for these expenditures. 66538

(M)(1) The Department of Education and the Department of Job 66539

and Family Services shall continue to work toward establishing the 66540
following in common between early childhood education programs and 66541
publicly funded child care: 66542

(a) An application; 66543

(b) Program eligibility; 66544

(c) Funding; 66545

(d) An attendance policy; 66546

(e) An attendance tracking system. 66547

(2) In accordance with section 5104.34 of the Revised Code, 66548
eligible families may receive publicly funded child care beyond 66549
the standard early childhood schedule defined in division (I) of 66550
this section. 66551

(3) All providers, agencies, and school districts 66552
participating in the early childhood education program or 66553
providing care to eligible families beyond the standard early 66554
childhood schedule shall follow the common policies established 66555
under this division. 66556

Section 265.30. INFORMATION TECHNOLOGY DEVELOPMENT AND 66557
SUPPORT 66558

The foregoing appropriation item 200420, Information 66559
Technology Development and Support, shall be used to support the 66560
development and implementation of information technology solutions 66561
designed to improve the performance and services of the Department 66562
of Education. Funds may be used for personnel, maintenance, and 66563
equipment costs related to the development and implementation of 66564
these technical system projects. Implementation of these systems 66565
shall allow the Department to provide greater levels of assistance 66566
to school districts and to provide more timely information to the 66567
public, including school districts, administrators, and 66568
legislators. Funds may also be used to support data-driven 66569

decision-making and differentiated instruction, as well as to 66570
communicate academic content standards and curriculum models to 66571
schools through web-based applications. 66572

Section 265.50. SCHOOL MANAGEMENT ASSISTANCE 66573

The foregoing appropriation item 200422, School Management 66574
Assistance, shall be used by the Department of Education to 66575
provide fiscal technical assistance and inservice education for 66576
school district management personnel and to administer, monitor, 66577
and implement the fiscal caution, fiscal watch, and fiscal 66578
emergency provisions under Chapter 3316. of the Revised Code. 66579

Section 265.60. POLICY ANALYSIS 66580

The foregoing appropriation item 200424, Policy Analysis, 66581
shall be used by the Department of Education to support a system 66582
of administrative and statistical education information to be used 66583
for policy analysis. Staff supported by this appropriation shall 66584
administer the development of reports, analyses, and briefings 66585
regarding current trends in education practice, efficient and 66586
effective use of resources, and evaluation of programs to improve 66587
education results. A portion of these funds shall be used to 66588
maintain a longitudinal database to support the assessment of the 66589
impact of policies and programs on Ohio's education and workforce 66590
development systems. The research efforts supported by this 66591
appropriation item shall be used to supply information and 66592
analysis of data to and in consultation with the General Assembly 66593
and other state policymakers, including the Office of Budget and 66594
Management and the Legislative Service Commission. 66595

A portion of the foregoing appropriation item, 200424, Policy 66596
Analysis, may be used by the Department to support the development 66597
and implementation of an evidence-based clearinghouse to support 66598
school improvement strategies as part of the Every Student 66599

Succeeds Act. 66600

The Department may use funding from this appropriation item 66601
to purchase or contract for the development of software systems or 66602
contract for policy studies that will assist in the provision and 66603
analysis of policy-related information. Funding from this 66604
appropriation item also may be used to monitor and enhance quality 66605
assurance for research-based policy analysis and program 66606
evaluation to enhance the effective use of education information 66607
to inform education policymakers. 66608

Section 265.70. OHIO EDUCATIONAL COMPUTER NETWORK 66609

The foregoing appropriation item 200426, Ohio Educational 66610
Computer Network, shall be used by the Department of Education to 66611
maintain a system of information technology throughout Ohio and to 66612
provide technical assistance for such a system. 66613

Of the foregoing appropriation item 200426, Ohio Educational 66614
Computer Network, up to \$9,686,658 in each fiscal year shall be 66615
used by the Department to support connection of all public school 66616
buildings and participating chartered nonpublic schools to the 66617
state's education network, to each other, and to the Internet. In 66618
each fiscal year, the Department shall use these funds to assist 66619
information technology centers or school districts with the 66620
operational costs associated with this connectivity. The 66621
Department shall develop a formula and guidelines for the 66622
distribution of these funds to information technology centers or 66623
individual school districts. As used in this section, "public 66624
school building" means a school building of any city, local, 66625
exempted village, or joint vocational school district, any 66626
community school established under Chapter 3314. of the Revised 66627
Code, any college preparatory boarding school established under 66628
Chapter 3328. of the Revised Code, any STEM school established 66629
under Chapter 3326. of the Revised Code, any educational service 66630

center building used for instructional purposes, the Ohio School 66631
for the Deaf and the Ohio School for the Blind, high schools 66632
chartered by the Ohio Department of Youth Services, or high 66633
schools operated by Ohio Department of Rehabilitation and 66634
Corrections' Ohio Central School System. 66635

Of the foregoing appropriation item 200426, Ohio Educational 66636
Computer Network, up to \$4,843,329 in each fiscal year shall be 66637
used, through a formula and guidelines devised by the Department, 66638
to support the activities of designated information technology 66639
centers, as defined by State Board of Education rules, to provide 66640
school districts and chartered nonpublic schools with 66641
computer-based student and teacher instructional and 66642
administrative information services, including approved 66643
computerized financial accounting, to ensure the effective 66644
operation of local automated administrative and instructional 66645
systems, and to monitor and support the quality of data submitted 66646
to the Department. 66647

The remainder of appropriation item 200426, Ohio Educational 66648
Computer Network, shall be used to support the work of the 66649
development, maintenance, and operation of a network of uniform 66650
and compatible computer-based information systems as well as the 66651
teacher student linkage/roster verification process and systems to 66652
support electronic sharing of student records and transcripts 66653
between entities. This technical assistance shall include, but not 66654
be restricted to, development and maintenance of adequate computer 66655
software systems to support network activities. In order to 66656
improve the efficiency of network activities, the Department and 66657
information technology centers may jointly purchase equipment, 66658
materials, and services from funds provided under this 66659
appropriation for use by the network and, when considered 66660
practical by the Department, may utilize the services of 66661
appropriate state purchasing agencies. 66662

Section 265.80. ACADEMIC STANDARDS 66663

The foregoing appropriation item 200427, Academic Standards, 66664
shall be used by the Department of Education to develop and 66665
communicate to school districts academic content standards and 66666
curriculum models and to develop professional development programs 66667
and other tools on the new content standards and model curriculum. 66668
The Department shall use a portion of these funds in partnership 66669
with educational service centers, consistent with requirements of 66670
section 3312.01 of the Revised Code, in the development and 66671
delivery of professional development programs supported under this 66672
section. 66673

Section 265.90. STUDENT ASSESSMENT 66674

Of the foregoing appropriation item 200437, Student 66675
Assessment, up to \$2,760,000 in each fiscal year may be used to 66676
support the state's early learning assessment work and the 66677
assessments required under section 3301.0715 of the Revised Code. 66678

Of the foregoing appropriation item 200437, Student 66679
Assessment, up to \$543,168 in each fiscal year shall be used to 66680
reimburse a portion of the costs associated with Advanced 66681
Placement tests for low-income students. 66682

The remainder of appropriation item 200437, Student 66683
Assessment, shall be used to develop, field test, print, 66684
distribute, score, report results, and support other associated 66685
costs for the tests required under sections 3301.0710, 3301.0711, 66686
and 3301.0712 of the Revised Code and for similar purposes as 66687
required by section 3301.27 of the Revised Code. The funds may 66688
also be used to update and develop diagnostic assessments 66689
administered under sections 3301.079, 3301.0715, and 3313.608 of 66690
the Revised Code. 66691

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 66692

ASSESSMENT 66693

In fiscal year 2022 and fiscal year 2023, if the 66694
Superintendent of Public Instruction determines that additional 66695
funds are needed to fully fund the requirements of sections 66696
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 66697
and this act for assessments of student performance, the 66698
Superintendent may recommend to the Director of Budget and 66699
Management the reallocation of unexpended and unencumbered General 66700
Revenue Fund appropriations within the Department of Education to 66701
appropriation item 200437, Student Assessment. If the Director 66702
determines that such a reallocation is required, the Director may 66703
transfer unexpended and unencumbered appropriations within the 66704
Department of Education as necessary to appropriation item 200437, 66705
Student Assessment. 66706

Section 265.100. ACCOUNTABILITY/REPORT CARDS 66707

Of the foregoing appropriation item 200439, 66708
Accountability/Report Cards, a portion in each fiscal year shall 66709
be used to train district and regional specialists and district 66710
educators in the use of the value-added progress dimension and in 66711
the use of data as it relates to improving student achievement. 66712
This training may include teacher and administrator professional 66713
development in the use of data to improve instruction and student 66714
learning, and teacher and administrator training in understanding 66715
teacher value-added reports and how they can be used as a 66716
component in measuring teacher and administrator effectiveness. A 66717
portion of this funding shall be provided to educational service 66718
centers to support training and professional development under 66719
this section consistent with section 3312.01 of the Revised Code. 66720

The remainder of appropriation item 200439, 66721
Accountability/Report Cards, shall be used by the Department of 66722
Education to incorporate a statewide value-added progress 66723

dimension into performance ratings for school districts and for 66724
the development of an accountability system that includes the 66725
preparation and distribution of school report cards, funding and 66726
expenditure accountability reports under sections 3302.03 and 66727
3302.031 of the Revised Code, the development and maintenance of 66728
teacher value-added reports, the teacher student linkage/roster 66729
verification process, and the performance management section of 66730
the Department's web site required by section 3302.26 of the 66731
Revised Code. 66732

CHILD CARE LICENSING 66733

The foregoing appropriation item 200442, Child Care 66734
Licensing, shall be used by the Department of Education to license 66735
and to inspect preschool and school-age child care programs under 66736
sections 3301.52 to 3301.59 of the Revised Code. 66737

Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 66738

The foregoing appropriation item 200446, Education Management 66739
Information System, shall be used by the Department of Education 66740
to improve the Education Management Information System (EMIS). 66741

Of the foregoing appropriation item 200446, Education 66742
Management Information System, up to \$400,000 in each fiscal year 66743
shall be used to support grants to information technology centers 66744
to provide professional development opportunities to district and 66745
school personnel related to the EMIS, with a focus placed on data 66746
submission and data quality. 66747

Of the foregoing appropriation item 200446, Education 66748
Management Information System, up to \$725,000 in each fiscal year 66749
shall be distributed to designated information technology centers 66750
for costs relating to processing, storing, and transferring data 66751
for the effective operation of the EMIS. These costs may include, 66752
but are not limited to, personnel, hardware, software development, 66753

communications connectivity, professional development, and support 66754
services. 66755

The remainder of appropriation item 200446, Education 66756
Management Information System, shall be used to develop and 66757
support the data definitions and standards outlined in the EMIS 66758
guidelines adopted under section 3301.0714 of the Revised Code, to 66759
implement recommendations of the EMIS Advisory Council and the 66760
Superintendent of Public Instruction, to enhance data quality 66761
assurance practices, and to support responsibilities related to 66762
the school report cards prescribed by section 3302.03 of the 66763
Revised Code and value-added progress dimension calculations. 66764

Section 265.120. EDUCATOR PREPARATION 66765

(A) Of the foregoing appropriation item 200448, Educator 66766
Preparation, up to \$339,783 in each fiscal year may be used by the 66767
Department of Education to monitor and support Ohio's State System 66768
of Support, as defined by the Every Student Succeeds Act. 66769

(B) Of the foregoing appropriation item 200448, Educator 66770
Preparation, up to \$67,957 in each fiscal year may be used by the 66771
Department to support the Educator Standards Board under section 66772
3319.61 of the Revised Code and reforms under sections 3302.042, 66773
3302.06 to 3302.068, 3302.12, and 3302.20 to 3302.22 of the 66774
Revised Code. 66775

(C) Of the foregoing appropriation item 200448, Educator 66776
Preparation, \$2,000,000 in each fiscal year shall be distributed 66777
to Teach For America to increase recruitment of potential corps 66778
members, to train and develop first-year and second-year teachers 66779
in the Teach for America program in Ohio, and to support the 66780
ongoing development and impact of Teach for America alumni working 66781
in Ohio. 66782

(D) Of the foregoing appropriation item 200448, Educator 66783

Preparation, \$1,000,000 in each fiscal year shall be used for the 66784
Bright New Leaders for Ohio Schools Program administered by the 66785
Ohio State University Fisher College of Business and College of 66786
Education and Human Ecology pursuant to section 3319.272 of the 66787
Revised Code to provide an alternative path for individuals to 66788
receive training and development in the administration of primary 66789
and secondary education and leadership, enable those individuals 66790
to earn degrees and obtain licenses in public school 66791
administration, and promote the placement of those individuals in 66792
public schools that have a poverty percentage greater than fifty 66793
per cent. 66794

(E) Of the foregoing appropriation item 200448, Educator 66795
Preparation, \$200,000 in each fiscal year shall be used to support 66796
training for selected school staff through the FASTER Saves Lives 66797
Program for the purpose of stopping active shooters and treating 66798
casualties. 66799

(F) Of the foregoing appropriation item 200448, Educator 66800
Preparation, \$1,000,000 in each fiscal year shall be used by the 66801
Department of Education, in consultation with the Department of 66802
Mental Health and Addiction Services, to award professional 66803
development grants to educational service centers to train 66804
educators and related school personnel in the model and tenants of 66805
prevention of risky behaviors, including substance abuse, suicide, 66806
bullying, and other harmful behaviors. 66807

(G) Of the foregoing appropriation item 200448, Educator 66808
Preparation, up to \$250,000 in each fiscal year shall be used to 66809
support the SmartOhio Financial Literacy Program at the University 66810
of Cincinnati. 66811

(H) Of the foregoing appropriation item 200448, Educator 66812
Preparation, \$250,000 in each fiscal year shall be used to support 66813
regionally tailored professional development and strategic 66814
training for teachers in STEM fields through the PAST Foundation's 66815

STEM Educator Professional Development Collaborative. 66816

(I) Of the foregoing appropriation item 200448, Educator 66817
Preparation, \$100,000 in each fiscal year shall be distributed to 66818
The Childhood League Center to provide intensive early 66819
intervention and educational services in Franklin County, to 66820
support the Play and Language for Autistic Youngsters (PLAY) 66821
Project in underserved counties, and to provide services and 66822
training for providers and families. Not later than July 1, 2022, 66823
the Department of Education shall conduct a study on the efficacy 66824
and results of services and training provided to parents and 66825
teachers through the PLAY Project and shall submit a report of its 66826
findings to the Governor, the Speaker of the House of 66827
Representatives, the President of the Senate, and the Director of 66828
the Legislative Service Commission. 66829

(J) Notwithstanding any provision of law to the contrary, 66830
awards under this section may be used by recipients for 66831
award-related expenses incurred for a period not to exceed two 66832
years from the date of the award according to guidelines 66833
established by the Department of Education. 66834

(K) The remainder of the foregoing appropriation item 200448, 66835
Educator Preparation, may be used for implementation of teacher 66836
and principal evaluation systems, including incorporation of 66837
student growth as a metric in those systems, and teacher 66838
value-added reports. A portion of this funding shall be provided 66839
to educational service centers, consistent with requirements of 66840
section 3312.01 of the Revised Code, in the development and 66841
delivery of professional development programs supported under this 66842
section. 66843

(L) Awards under division (H) of Section 265.120 of H.B. 166 66844
of the 133rd General Assembly may be used by recipients for 66845
award-related expenses incurred through June 30, 2023. 66846

Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 66847

The foregoing appropriation item 200455, Community Schools 66848
and Choice Programs, may be used by the Department of Education 66849
for operation of the school choice programs. 66850

Of the foregoing appropriation item 200455, Community Schools 66851
and Choice Programs, a portion in each fiscal year may be used by 66852
the Department for developing and conducting training sessions for 66853
community schools and sponsors and prospective sponsors of 66854
community schools as prescribed in division (A)(1) of section 66855
3314.015 of the Revised Code, and other schools participating in 66856
school choice programs. 66857

Section 265.135. STEM INITIATIVES 66858

The foregoing appropriation item 200457, STEM Initiatives, 66859
shall be distributed to the Educational Service Center of the 66860
Western Reserve for a pilot project that supports innovative STEM 66861
initiatives for middle school students in Ashtabula, Cuyahoga, 66862
Geauga, Lake, Portage, and Trumbull counties affiliated with the 66863
Alliance for Working Together. These initiatives shall provide 66864
middle school students with early access to programming, 66865
engineering design, and problem-solving skills, the goal of which 66866
is to build a strong regional pipeline of future manufacturing 66867
workers who can fill high-paying, sustainable positions in the 66868
automated manufacturing industry. Not later than July 31, 2022, 66869
the Educational Service Center of the Western Reserve shall submit 66870
a report that describes the progress of the pilot project, 66871
including the number of students participating, to the standing 66872
committees of the House of Representatives and the Senate that are 66873
primarily responsible for considering economic development issues. 66874

Section 265.140. EDUCATION TECHNOLOGY RESOURCES 66875

Of the foregoing appropriation item 200465, Education 66876
Technology Resources, up to \$2,500,000 in each fiscal year shall 66877
be used for the Union Catalog and InfOhio Network and to support 66878
the provision of electronic resources with priority given to 66879
resources that support the teaching of state academic content 66880
standards in all public schools. Consideration shall be given by 66881
the Department of Education to coordinating the allocation of 66882
these moneys with the efforts of Libraries Connect Ohio, whose 66883
members include OhioLINK, the Ohio Public Information Network, and 66884
the State Library of Ohio. 66885

Of the foregoing appropriation item 200465, Education 66886
Technology Resources, up to \$1,778,879 in each fiscal year shall 66887
be used by the Department to provide grants to educational 66888
television stations working with partner education technology 66889
centers to provide Ohio public schools with instructional 66890
resources and services, with priority given to resources and 66891
services aligned with state academic content standards. Such 66892
resources and services shall be based upon the advice and approval 66893
of the Department, based on a formula developed in consultation 66894
with Ohio's educational television stations and educational 66895
technology centers. 66896

The remainder of the foregoing appropriation item 200465, 66897
Education Technology Resources, may be used to support training, 66898
technical support, guidance, and assistance with compliance 66899
reporting to school districts and public libraries applying for 66900
federal E-Rate funds; for oversight and guidance of school 66901
district technology plans; for support to district technology 66902
personnel; and for support of the development, maintenance, and 66903
operation of a network of uniform and compatible computer-based 66904
information and instructional systems. 66905

Section 265.145. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL 66906

STUDENTS 66907

Of the foregoing appropriation item 200478, 66908
Industry-Recognized Credentials High School Students, up to 66909
\$8,000,000 in each fiscal year may be used by the Department of 66910
Education to support payments to city, local, and exempted village 66911
school districts, community schools, STEM schools, and joint 66912
vocational school districts whose students earn an 66913
industry-recognized credential or receive a journeyman 66914
certification recognized by the United States Department of Labor 66915
in the school year preceding the fiscal year in which the funds 66916
are appropriated. The educating entity shall be required to inform 66917
students enrolled in career-technical education courses that lead 66918
to an industry-recognized credential about the opportunity to earn 66919
these credentials. The Department of Education shall work with the 66920
Department of Higher Education and the Governor's Office of 66921
Workforce Transformation to develop a schedule for reimbursement 66922
based on the testing fees for credentials included on the 66923
Department of Education's list of industry-recognized credentials. 66924
The educating entity shall pay for the cost of the credential and 66925
may claim and receive reimbursement for these testing fees. The 66926
educating entity may claim reimbursement for testing fees incurred 66927
on behalf of a student that earns a credential up to six months 66928
after the student has graduated from high school. If the amount 66929
appropriated is not sufficient, the Department shall prorate the 66930
amounts so that the aggregate amount appropriated is not exceeded. 66931

Of the foregoing appropriation item 200478, 66932
Industry-Recognized Credentials High School Students, up to 66933
\$12,500,000 in each fiscal year may be used by the Department of 66934
Education and the Governor's Office of Workforce Transformation to 66935
establish and operate the Innovative Workforce Incentive Program. 66936
In establishing the program, the Office of Workforce 66937
Transformation shall maintain a list of credentials that qualify 66938

for the program. The Department of Education shall pay each city, 66939
local, and exempted village school district, community school, 66940
STEM school, and joint vocational school district an amount equal 66941
to \$1,250 for each qualifying credential a student attending the 66942
district or school earned in the school year preceding the fiscal 66943
year in which the funds are appropriated. If the amount 66944
appropriated is not sufficient, the Department shall prorate the 66945
amounts so that the aggregate amount appropriated is not exceeded. 66946

Section 265.150. PUPIL TRANSPORTATION 66947

Of the foregoing appropriation item 200502, Pupil 66948
Transportation, up to \$838,930 in each fiscal year may be used by 66949
the Department of Education for training prospective and 66950
experienced school bus drivers in accordance with training 66951
programs prescribed by the Department. A portion of these funds 66952
may also be used to pay for costs associated with the enrollment 66953
of bus drivers in the retained applicant fingerprint database. 66954

Of the foregoing appropriation item 200502, Pupil 66955
Transportation, \$250,000 in each fiscal year shall be used to 66956
award transportation collaboration grants pursuant to section 66957
3317.072 of the Revised Code. 66958

Of the foregoing appropriation item 200502, Pupil 66959
Transportation, up to \$117,469,220 in fiscal year 2022 and up to 66960
\$123,469,220 in fiscal year 2023 may be used by the Department for 66961
special education transportation reimbursements to school 66962
districts and county DD boards for transportation operating costs 66963
as provided in divisions (C) and (F) of section 3317.024 of the 66964
Revised Code. 66965

The remainder of the foregoing appropriation item 200502, 66966
Pupil Transportation, shall be used to distribute the amounts 66967
calculated for transportation aid under divisions (E), (F), (G), 66968
and (H) of section 3317.0212, division (A)(2) of section 3317.019, 66969

and division (D) of section 3314.091 of the Revised Code. 66970

PAYMENTS IN LIEU OF TRANSPORTATION 66971

For purposes of division (D) of section 3327.02 of the 66972
Revised Code, if a parent, guardian, or other person in charge of 66973
a pupil accepts an offer from a school district of payment in lieu 66974
of providing transportation for the pupil, the school district 66975
shall pay that parent, guardian, or other person an amount that 66976
shall be not less than \$250 and not more than the amount 66977
determined by the Department as the average cost of pupil 66978
transportation for the previous school year. Payment may be 66979
prorated if the time period involved is only a part of the school 66980
year. 66981

Section 265.155. BUS PURCHASE ALLOWANCE 66982

The foregoing appropriation item 200503, Bus Purchase 66983
Allowance, shall be used to distribute bus purchasing grants to 66984
city, local, and exempted village school districts pursuant to 66985
section 3317.071 of the Revised Code. 66986

Section 265.160. SCHOOL LUNCH MATCH 66987

The foregoing appropriation item 200505, School Lunch Match, 66988
shall be used to provide matching funds to obtain federal funds 66989
for the school lunch program. 66990

Any remaining appropriation after providing matching funds 66991
for the school lunch program may be used to partially reimburse 66992
school buildings within school districts that are required to have 66993
a school breakfast program under section 3313.813 of the Revised 66994
Code, at a rate decided by the Department. 66995

Section 265.170. AUXILIARY SERVICES 66996

Of the foregoing appropriation item 200511, Auxiliary 66997

Services, up to \$2,600,000 in each fiscal year may be used for 66998
payment of the College Credit Plus Program for nonpublic secondary 66999
school participants. The Department of Education shall distribute 67000
these funds according to rule 3333-1-65.8 of the Administrative 67001
Code, adopted by the Department of Higher Education pursuant to 67002
division (A) of section 3365.071 of the Revised Code. 67003

The remainder of the foregoing appropriation item 200511, 67004
Auxiliary Services, shall be used by the Department for the 67005
purpose of implementing sections 3317.06 and 3317.062 of the 67006
Revised Code. 67007

Notwithstanding any provision of the law to the contrary, any 67008
chartered nonpublic school may elect to receive auxiliary services 67009
payments under division (E)(2) of section 3317.024 of the Revised 67010
Code for the 2021-2022 and 2022-2023 school years. To elect to 67011
receive funds under division (E)(2) of section 3317.024 of the 67012
Revised Code, a chartered nonpublic school shall, not later than 67013
July 31, 2021, notify the Department of Education and the school 67014
district in which the school is located of the election and submit 67015
to the Department an affidavit certifying that the school shall 67016
expend the funds in the manner outlined in section 3317.062 of the 67017
Revised Code. 67018

Section 265.180. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 67019

The foregoing appropriation item 200532, Nonpublic 67020
Administrative Cost Reimbursement, shall be used by the Department 67021
of Education for the purpose of implementing section 3317.063 of 67022
the Revised Code. Notwithstanding section 3317.063 of the Revised 67023
Code, payments made by the Department for this purpose shall not 67024
exceed four hundred forty-six dollars per student for each school 67025
year. 67026

Section 265.190. SPECIAL EDUCATION ENHANCEMENTS 67027

Of the foregoing appropriation item 200540, Special Education 67028
Enhancements, up to \$37,000,000 in each fiscal year shall be used 67029
to fund special education and related services at county boards of 67030
developmental disabilities for eligible students under section 67031
3317.20 of the Revised Code and at institutions for eligible 67032
students under section 3317.201 of the Revised Code. If necessary, 67033
the Department of Education shall proportionately reduce the 67034
amount calculated for each county board of developmental 67035
disabilities and institution so as not to exceed the amount 67036
appropriated in each fiscal year. 67037

Of the foregoing appropriation item 200540, Special Education 67038
Enhancements, up to \$1,350,000 in each fiscal year shall be used 67039
for parent mentoring programs. 67040

Of the foregoing appropriation item 200540, Special Education 67041
Enhancements, up to \$3,000,000 in each fiscal year may be used for 67042
school psychology interns. 67043

Of the foregoing appropriation item 200540, Special Education 67044
Enhancements, the Department shall transfer \$3,500,000 in each 67045
fiscal year to the Opportunities for Ohioans with Disabilities 67046
Agency. The transfer shall be made via an intrastate transfer 67047
voucher. The transferred funds shall be used by the Opportunities 67048
for Ohioans with Disabilities Agency as state matching funds to 67049
draw down available federal funding for vocational rehabilitation 67050
services. Total project funding shall be used to hire dedicated 67051
vocational rehabilitation counselors who shall work directly with 67052
school districts to provide transition services for students with 67053
disabilities. Services shall include vocational rehabilitation 67054
services such as person-centered career planning, summer work 67055
experiences, job placement, and retention services for mutually 67056
eligible students with disabilities. 67057

The Superintendent of Public Instruction and the Executive 67058
Director of the Opportunities for Ohioans with Disabilities Agency 67059

shall enter into an interagency agreement that shall specify the 67060
responsibilities of each agency under the program. Under the 67061
interagency agreement, the Opportunities for Ohioans with 67062
Disabilities Agency shall retain responsibility for all 67063
nondelegable functions, including eligibility and order of 67064
selection determination, individualized plan for employment (IPE) 67065
approval, IPE amendments, case closure, and release of vendor 67066
payments. 67067

Of the foregoing appropriation item 200540, Special Education 67068
Enhancements, up to \$2,000,000 in each fiscal year shall be used 67069
by the Department of Education to build capacity to deliver a 67070
regional system of training, support, coordination, and direct 67071
service for secondary transition services for students with 67072
disabilities beginning at fourteen years of age. These special 67073
education enhancements shall support all students with 67074
disabilities, regardless of partner agency eligibility 67075
requirements, to provide stand-alone direct secondary transition 67076
services by school districts. Secondary transition services shall 67077
include, but not be limited to, job exploration counseling, 67078
work-based learning experiences, counseling on opportunities for 67079
enrollment in comprehensive transition or post-secondary 67080
educational programs at institutions of higher education, 67081
workplace readiness training to develop occupational skills, 67082
social skills and independent living skills, and instruction in 67083
self-advocacy. Regional training shall support the expansion of 67084
transition to work endorsement opportunities for middle school and 67085
secondary level special education intervention specialists in 67086
order to develop the necessary skills and competencies to meet the 67087
secondary transition needs of students with disabilities beginning 67088
at fourteen years of age. 67089

The remainder of appropriation item 200540, Special Education 67090
Enhancements, shall be distributed by the Department of Education 67091

to school districts and institutions, as defined in section 67092
3323.091 of the Revised Code, for preschool special education 67093
funding under section 3317.0213 of the Revised Code. 67094

The Department may reimburse school districts and 67095
institutions for services provided by instructional assistants, 67096
related services, as defined in rule 3301-51-11 of the 67097
Administrative Code, physical therapy services provided by a 67098
licensed physical therapist or physical therapist assistant under 67099
the supervision of a licensed physical therapist, as required 67100
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 67101
Administrative Code, and occupational therapy services provided by 67102
a licensed occupational therapist or occupational therapy 67103
assistant under the supervision of a licensed occupational 67104
therapist, as required under Chapter 4755. of the Revised Code and 67105
Chapter 4755-7 of the Administrative Code. Nothing in this section 67106
authorizes occupational therapy assistants or physical therapist 67107
assistants to generate or manage their own caseloads. 67108

The Department shall require school districts, educational 67109
service centers, county DD boards, and institutions serving 67110
preschool children with disabilities to adhere to Ohio's early 67111
learning program standards, participate in the Step Up to Quality 67112
program established pursuant to section 5104.29 of the Revised 67113
Code, and document child progress using research-based indicators 67114
prescribed by the Department and report results annually. The 67115
reporting dates and method shall be determined by the Department. 67116
All programs shall be rated through the Step Up to Quality 67117
program. 67118

Section 265.200. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 67119

Of the foregoing appropriation item 200545, Career-Technical 67120
Education Enhancements, up to \$4,200,000 in fiscal year 2022 and 67121
up to \$8,400,000 in fiscal year 2023 shall be used to pay career 67122

awareness and exploration funds pursuant to division (C) of 67123
section 3314.089, division (E) of section 3317.014, and division 67124
(C) of section 3326.39 of the Revised Code. If the amount 67125
appropriated is not sufficient, the Department shall prorate the 67126
amounts so that the aggregate amount appropriated is not exceeded. 67127

Of the foregoing appropriation item 200545, Career-Technical 67128
Education Enhancements, up to \$2,563,568 in each fiscal year shall 67129
be used to fund secondary career-technical education at 67130
institutions, the Ohio School for the Deaf, and the Ohio State 67131
School for the Blind using a grant-based methodology, 67132
notwithstanding section 3317.05 of the Revised Code. 67133

Of the foregoing appropriation item 200545, Career-Technical 67134
Education Enhancements, up to \$2,686,474 in each fiscal year shall 67135
be used by the Department of Education to fund competitive grants 67136
to tech prep regional centers that expand the number of students 67137
with access to career-technical education. These grant funds shall 67138
be used to directly support career services provided to students 67139
enrolled in school districts, including joint vocational school 67140
districts, and affiliated higher education institutions. This 67141
support may include the purchase of equipment. 67142

Of the foregoing appropriation item 200545, Career-Technical 67143
Education Enhancements, up to \$3,000,850 in each fiscal year shall 67144
be used by the Department to support existing High Schools That 67145
Work (HSTW) sites, develop and support new sites, fund technical 67146
assistance, and support regional centers and middle school 67147
programs. The purpose of HSTW is to combine challenging academic 67148
courses and modern career-technical studies to raise the academic 67149
achievement of students. HSTW provides intensive technical 67150
assistance, focused staff development, targeted assessment 67151
services, and ongoing communications and networking opportunities. 67152

Of the foregoing appropriation item 200545, Career-Technical 67153
Education Enhancements, up to \$600,000 in each fiscal year shall 67154

be used by the Department to enable students in agricultural 67155
programs to enroll in a fifth quarter of instruction based on the 67156
agricultural education model of delivering work-based learning 67157
through supervised agricultural experience. The Department shall 67158
determine eligibility criteria and the reporting process for the 67159
Agriculture 5th Quarter Project and shall fund as many programs as 67160
possible given the set-aside. The eligibility criteria developed 67161
by the Department shall allow these funds to support supervised 67162
agricultural experience that occurs anytime outside of the regular 67163
school day. 67164

Of the foregoing appropriation item 200545, Career-Technical 67165
Education Enhancements, up to \$210,000 in each fiscal year shall 67166
be used to support the pilot program created in the section of 67167
this act entitled "P-TECH MODEL OF EDUCATION PILOT PROGRAM." 67168

Of the foregoing appropriation item 200545, Career-Technical 67169
Education Enhancements, up to \$240,000 shall be used to support 67170
the Ohio Code-Scholar Pilot Program created in section 3313.905 of 67171
the Revised Code. 67172

Of the foregoing appropriation item 200545, Career-Technical 67173
Education Enhancements, up to \$550,000 in each fiscal year may be 67174
used to support career planning and reporting through the 67175
OhioMeansJobs web site. 67176

Of the foregoing appropriation item 200545, Career-Technical 67177
Education Enhancements, \$250,000 in each fiscal year shall be used 67178
to prepare students for careers in culinary arts and restaurant 67179
management under the Ohio ProStart school restaurant program. 67180

Section 265.205. P-TECH MODEL OF EDUCATION PILOT PROGRAM 67181

(A) As used in this section: 67182

(1) "Eligible school" means any of the following: 67183

(a) A school operated by a city, local, or exempted village 67184

school district; 67185

(b) A school operated by a joint vocational school district, 67186
provided that the school is eligible only with respect to those 67187
students who are enrolled in grades nine through twelve and to 67188
whom the school provides instruction in all courses required for a 67189
high school diploma under section 3313.603 of the Revised Code so 67190
that the student attends the school for the entire school day and 67191
does not attend a school operated by the student's district of 67192
residence for any part of the school day; 67193

(c) A community school established under Chapter 3314. of the 67194
Revised Code; 67195

(d) A science, technology, engineering, and mathematics 67196
school established under Chapter 3326. of the Revised Code. 67197

(2) "P-Tech model of education" means an educational model 67198
that meets all of the following criteria: 67199

(a) It is implemented through a partnership between an 67200
eligible school, a state institution of higher education, or a 67201
nonprofit institution of higher education that has a certificate 67202
of authorization under Chapter 1713. of the Revised Code, and one 67203
or more businesses offering employment in skilled occupations. 67204

(b) It provides a curriculum focused on science, technology, 67205
engineering, and mathematics for students beginning in grade nine 67206
for up to six years during which students may dually enroll in 67207
high school and college courses at no cost to the student and earn 67208
a high school diploma and an associate degree upon completion of 67209
the program. 67210

(c) It prioritizes enrolling student populations who have 67211
been historically underrepresented in college and skilled 67212
occupations. 67213

(d) It provides students with opportunities to learn about 67214

careers through internships, professional mentoring, visits to 67215
work sites, or other business-oriented activities. 67216

(e) It offers academic and personal supports at the high 67217
school and college levels to help students succeed in the program. 67218

(f) It gives students priority for employment with partnering 67219
businesses upon completion of the program. 67220

(3) "State institution of higher education" has the same 67221
meaning as in section 3345.011 of the Revised Code. 67222

(B) In recognition of the need for structured pathways that 67223
develop the academic and job skills of students to prepare them 67224
for well-paying employment and that meet the workforce needs of 67225
Ohio businesses, the Department of Education and the Department of 67226
Higher Education jointly shall create a pilot program to select up 67227
to three eligible schools throughout the state to implement a 67228
P-Tech model of education. The Departments shall issue a request 67229
for proposals from interested applicants not later than September 67230
1, 2021, in accordance with procedures established by the 67231
Departments. An eligible school shall be the lead applicant and 67232
shall be responsible for submitting all documentation required by 67233
the Departments. 67234

(C) The Department of Education and the Department of Higher 67235
Education jointly shall evaluate proposals based on adherence to 67236
the P-Tech model of education, quality of programming, 67237
demonstration of commitment by partners, and sustainability. In 67238
evaluating proposals, the Departments shall give priority to 67239
schools that will serve students historically underrepresented in 67240
college and skilled occupations and shall make every effort to 67241
select schools in different locations throughout the state. On 67242
behalf of both Departments, the Department of Education shall 67243
award planning and implementation grants to eligible schools whose 67244
proposals are selected. The Department of Education shall notify 67245

grant recipients of their selection not later than October 1, 67246
2021. 67247

(D)(1) The Department of Education shall award up to \$70,000 67248
to each eligible school in fiscal year 2022 for planning 67249
activities, which may include designating a school official to act 67250
as a project manager, working with the partnering state 67251
institution of higher education or nonprofit institution of higher 67252
education that has a certificate of authorization under Chapter 67253
1713. of the Revised Code and partnering businesses to create 67254
college and career pathways, school branding and student 67255
recruitment efforts, space planning, professional development for 67256
high school teachers and college faculty, or other necessary 67257
activities. 67258

(2) The Department of Education shall award up to \$70,000 to 67259
each eligible school in fiscal year 2023 to implement the P-Tech 67260
model of education for ninth grade students. This funding shall be 67261
in addition to all other state funding received by the eligible 67262
school and partnering state institution of higher education or 67263
nonprofit institution of higher education that has a certificate 67264
of authorization under Chapter 1713. of the Revised Code. 67265

(E) For the duration of the pilot program, all of the 67266
following shall apply: 67267

(1) An eligible school shall continue to receive funding 67268
under the section of this act entitled "FUNDING FOR CITY, LOCAL, 67269
AND EXEMPTED VILLAGE SCHOOL DISTRICTS," "FUNDING FOR JOINT 67270
VOCATIONAL SCHOOL DISTRICTS," "FUNDING FOR COMMUNITY SCHOOLS," or 67271
"FUNDING FOR STEM SCHOOLS," as applicable, for each student 67272
participating in the P-Tech model of education who continues to be 67273
enrolled in high school courses after the student's twelfth-grade 67274
year for up to two full school years. 67275

(2) Any state institution of higher education that enrolls a 67276

student participating in the P-Tech model of education may include 67277
that student in the calculation used to determine its state share 67278
of instruction funds under the section of this act entitled "STATE 67279
SHARE OF INSTRUCTION FORMULAS." 67280

(3) Notwithstanding the limits on College Credit Plus 67281
participation in section 3365.031 of the Revised Code, students 67282
participating in the P-Tech model of education may participate in 67283
the College Credit Plus Program for any of the school years that 67284
they are enrolled in an eligible school. Additionally, credit hour 67285
and duration limitations for students participating in the College 67286
Credit Plus Program under Chapter 3365. of the Revised Code do not 67287
apply to students participating in the P-Tech model of education. 67288

(F) The Department of Education and the Department of Higher 67289
Education shall evaluate the progress of grant recipients in 67290
planning for and implementing the P-Tech model of education, 67291
including how the partnerships are working to build and sustain 67292
the model and any difficulties or successes faced in planning for 67293
or implementing the model. Grant recipients shall report to the 67294
Departments any data or other information considered necessary by 67295
the Departments to complete the evaluation. The Departments shall 67296
report their findings to the Governor and the General Assembly, in 67297
accordance with section 101.68 of the Revised Code, not later than 67298
December 31, 2022. 67299

(G) Notwithstanding any provision of law to the contrary, 67300
awards under this section may be used by recipients for 67301
award-related expenses incurred for a period not to exceed two 67302
years from the date of the award according to guidelines 67303
established by the Department of Education. 67304

Section 265.210. FOUNDATION FUNDING 67305

Of the portion of the formula aid distributed to city, local, 67306
and exempted village school districts, joint vocational school 67307

districts, community schools, and STEM schools under this section, 67308
up to \$95,400,000 in fiscal year 2022 and up to \$93,500,000 in 67309
fiscal year 2023 shall be used for the purposes of division (B) of 67310
section 3317.0215 of the Revised Code. 67311

Of the foregoing appropriation item 200550, Foundation 67312
Funding, up to \$3,800,000 in each fiscal year shall be used to 67313
fund gifted education at educational service centers. The 67314
Department shall distribute the funding through the unit-based 67315
funding methodology in place under division (L) of section 67316
3317.024, division (E) of section 3317.05, and divisions (A), (B), 67317
and (C) of section 3317.053 of the Revised Code as they existed 67318
prior to fiscal year 2010. 67319

Of the foregoing appropriation item 200550, Foundation 67320
Funding, up to \$42,500,000 in fiscal year 2022 and up to 67321
\$45,000,000 in fiscal year 2023 shall be reserved to fund the 67322
state reimbursement of educational service centers under section 67323
3317.11 of the Revised Code. 67324

Of the foregoing appropriation item 200550, Foundation 67325
Funding, up to \$3,500,000 in each fiscal year shall be distributed 67326
to educational service centers for School Improvement Initiatives 67327
and for the provision of technical assistance to schools and 67328
districts consistent with requirements of section 3312.01 of the 67329
Revised Code. The Department may distribute these funds through a 67330
competitive grant process. 67331

Of the foregoing appropriation item 200550, Foundation 67332
Funding, up to \$7,000,000 in each fiscal year shall be reserved 67333
for payments under the section of this act entitled "POWER PLANT 67334
VALUATION ADJUSTMENT." If this amount is not sufficient, the 67335
Superintendent of Public Instruction may reallocate excess funds 67336
for other purposes supported by this appropriation item in order 67337
to fully pay the amounts required by that section, provided that 67338
the aggregate amount appropriated in appropriation item 200550, 67339

Foundation Funding, is not exceeded. 67340

Of the foregoing appropriation item 200550, Foundation 67341
Funding, up to \$2,000,000 in each fiscal year shall be used to 67342
support the administration of school choice programs. 67343

Of the portion of the foregoing appropriation item 200550, 67344
Foundation Funding, up to \$47,901,887 in each fiscal year shall be 67345
used to operate the school choice program in the Cleveland 67346
Municipal School District under sections 3313.974 to 3313.979 of 67347
the Revised Code. Notwithstanding divisions (B) and (C) of section 67348
3313.978 and division (C) of section 3313.979 of the Revised Code, 67349
up to \$1,000,000 in each fiscal year of this amount shall be used 67350
by the Cleveland Municipal School District to provide tutorial 67351
assistance as provided in division (H) of section 3313.974 of the 67352
Revised Code. The Cleveland Municipal School District shall report 67353
the use of these funds in the district's three-year continuous 67354
improvement plan as described in section 3302.04 of the Revised 67355
Code in a manner approved by the Department. 67356

Of the foregoing appropriation item 200550, Foundation 67357
Funding, up to \$3,000,000 in each fiscal year may be used for 67358
payment of the College Credit Plus Program for students instructed 67359
at home pursuant to section 3321.04 of the Revised Code. 67360

Of the foregoing appropriation item 200550, Foundation 67361
Funding, an amount shall be available in each fiscal year to be 67362
paid to joint vocational school districts in accordance with 67363
sections 3317.16 and 3317.162 of the Revised Code and the section 67364
of this act entitled "FORMULA TRANSITION SUPPLEMENT." 67365

Of the foregoing appropriation item 200550, Foundation 67366
Funding, up to \$700,000 in each fiscal year shall be used by the 67367
Department for a program to pay for educational services for youth 67368
who have been assigned by a juvenile court or other authorized 67369
agency to any of the facilities described in division (A) of the 67370

section of this act entitled "PRIVATE TREATMENT FACILITY PROJECT." 67371

Of the foregoing appropriation item 200550, Foundation 67372
Funding, a portion may be used to pay college-preparatory boarding 67373
schools the per pupil boarding amount pursuant to section 3328.34 67374
of the Revised Code. 67375

Of the foregoing appropriation item 200550, Foundation 67376
Funding, an amount shall be available in each fiscal year to pay 67377
community schools and STEM schools in accordance with sections 67378
3314.08, divisions (A), (B), and (D) of section 3314.089, section 67379
3326.33, and divisions (A) and (B) of section 3326.39 of the 67380
Revised Code. 67381

Of the foregoing appropriation item 200550, Foundation 67382
Funding, an amount shall be available in each fiscal year to pay 67383
scholarships pursuant to sections 3310.41 and 3310.52 of the 67384
Revised Code and to pay scholarships pursuant to section 3310.08 67385
of the Revised Code for students determined eligible under section 67386
3310.03 of the Revised Code. 67387

Of the foregoing appropriation item 200550, Foundation 67388
Funding, up to \$1,760,000 in each fiscal year may be used by the 67389
Department for duties and activities related to the establishment 67390
of academic distress commissions under section 3302.10 of the 67391
Revised Code, to provide support and assistance to academic 67392
distress commissions to further their duties under Chapter 3302. 67393
of the Revised Code, and to provide technical assistance and tools 67394
to support districts subject to academic distress commissions. 67395

Of the foregoing appropriation item 200550, Foundation 67396
Funding, up to \$1,500,000 in each fiscal year shall be distributed 67397
to the Ohio STEM Learning Network to support the expansion of free 67398
STEM programming aligned to Ohio's STEM priorities, to create 67399
regional STEM supports targeting underserved student populations, 67400
and to support the Ohio STEM Committee's STEM school designation 67401

process. 67402

Of the foregoing appropriation item 200550, Foundation 67403
Funding, up to \$2,500,000 in each fiscal year shall be used to 67404
make supplemental payments under Section 5 of H.B. 123 of the 67405
133rd General Assembly, as amended by this act. If the amount 67406
appropriated is insufficient, the Department shall prorate the 67407
payments so that the aggregate amount appropriated in this section 67408
is not exceeded. 67409

The remainder of the foregoing appropriation item 200550, 67410
Foundation Funding, shall be used to distribute the amounts 67411
calculated for formula aid under division (A)(1) of section 67412
3317.019, sections 3317.022 and 3317.0218 of the Revised Code, and 67413
the section of this act entitled "FORUMLA TRANSITION SUPPLEMENT." 67414

Appropriation items 200502, Pupil Transportation, 200540, 67415
Special Education Enhancements, and 200550, Foundation Funding, 67416
other than specific set-asides, are collectively used in each 67417
fiscal year to pay state formula aid obligations for school 67418
districts, community schools, STEM schools, college preparatory 67419
boarding schools, and joint vocational school districts under this 67420
act. The first priority of these appropriation items, with the 67421
exception of specific set-asides, is to fund state formula aid 67422
obligations. It may be necessary to reallocate funds among these 67423
appropriation items or use excess funds from other General Revenue 67424
Fund appropriation items in the Department of Education's budget, 67425
including appropriation item 200903, Property Tax Reimbursement - 67426
Education, in each fiscal year in order to meet state formula aid 67427
obligations. If it is determined that it is necessary to transfer 67428
funds among these appropriation items or to transfer funds from 67429
other General Revenue Fund appropriations in the Department's 67430
budget to meet state formula aid obligations, the Superintendent 67431
of Public Instruction shall seek approval from the Director of 67432
Budget and Management to transfer funds as needed. 67433

The Superintendent of Public Instruction shall make payments, 67434
transfers, and deductions, as authorized by Title XXXIII of the 67435
Revised Code in amounts substantially equal to those made in the 67436
prior year, or otherwise, at the discretion of the Superintendent, 67437
until at least the effective date of the amendments and enactments 67438
made to Title XXXIII by this act. Any funds paid to districts or 67439
schools under this section shall be credited toward the annual 67440
funds calculated for the district or school after the changes made 67441
to Title XXXIII in this act are effective. Upon the effective date 67442
of changes made to Title XXXIII in this act, funds shall be 67443
calculated as an annual amount. 67444

Section 265.215. GENERAL PHASE-IN PERCENTAGE 67445

For purposes of division (O)(1) of section 3317.02 of the 67446
Revised Code, the General Assembly has determined that the general 67447
phase-in percentage for fiscal year 2022 shall be 16.67 per cent 67448
and the general phase-in percentage for fiscal year 2023 shall be 67449
33.33 per cent. 67450

**Section 265.220. PHASE-IN PERCENTAGE FOR DISADVANTAGED PUPIL 67451
IMPACT AID** 67452

For purposes of division (O)(2)(a) of section 3317.02 of the 67453
Revised Code, the General Assembly has determined that the 67454
phase-in percentage for disadvantaged pupil impact aid for fiscal 67455
year 2022 shall be 0 per cent and the phase-in percentage for 67456
disadvantaged pupil impact aid for fiscal year 2023 shall be 14 67457
per cent. 67458

Section 265.225. FORMULA TRANSITION SUPPLEMENT 67459

(A)(1) For fiscal years 2022 and 2023, the Department of 67460
Education shall pay a formula transition supplement to each city, 67461
local, and exempted village school district according to the 67462

following formula: 67463

(The district's funding base for fiscal year 2021) - (the 67464
district's payments for that fiscal year under sections 3317.019, 67465
3317.022, and 3317.0212 of the Revised Code) 67466

If the computation made under division (A)(1) of this section 67467
for a fiscal year results in a negative number, the district's 67468
formula transition supplement for that fiscal year shall be zero. 67469

(2) For purposes of division (A)(1) of this section, a city, 67470
local, or exempted village school district's "funding base for 67471
fiscal year 2021" means the amount calculated as follows: 67472

(a) Compute the sum of the following: 67473

(i) The amount calculated for the district for fiscal year 67474
2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 67475
133rd General Assembly after any adjustments required under 67476
Section 265.227 of H.B. 166 of the 133rd General Assembly and 67477
after any funding reductions authorized by Executive Order 67478
2020-19D, "Implementing Additional Spending Controls to Balance 67479
the State Budget" issued on May 7, 2020; 67480

(ii) The amount calculated for the district for fiscal year 67481
2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 67482
133rd General Assembly after any funding reductions authorized by 67483
Executive Order 2020-19D, "Implementing Additional Spending 67484
Controls to Balance the State Budget" issued on May 7, 2020; 67485

(iii) The amount calculated for the district for fiscal year 67486
2021 under division (B) of Section 265.220 of H.B. 166 of the 67487
133rd General Assembly; 67488

(iv) The district's payments for fiscal year 2021 under 67489
divisions (C)(1), (2), (3), and (4) of section 3313.981 of the 67490
Revised Code as those divisions existed for payments for fiscal 67491
year 2021; 67492

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code. 67493
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(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following: 67495
67496

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly; 67497
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(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly; 67505
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(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as that division existed for deductions for fiscal year 2021, division (C)(2) of section 3310.41 of the Revised Code, as that division existed for deductions for fiscal year 2021, and section 3310.55 of the Revised Code as that section existed for deductions for fiscal year 2021 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district for fiscal year 2021 under Section 265.210 of H.B. 166 of the 133rd General Assembly to operate the pilot project scholarship program for fiscal year 2021 under sections 3313.974 to 3313.979 of the Revised Code; 67513
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(iv) The payments subtracted from the district for fiscal year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code, as those divisions existed for subtractions from the district for fiscal year 2021.

(B)(1) For fiscal years 2022 and 2023, the Department of Education shall pay a formula transition supplement to each joint vocational school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for that fiscal year under sections 3317.16 and 3317.162 of the Revised Code)

If the computation made under division (B)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (B)(1) of this section, a joint vocational district's "funding base for fiscal year 2021" means the sum of the following:

(a) The district's payments for fiscal year 2021 under Section 265.225 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly;

(b) The district's payments for fiscal year 2021 under divisions (D)(1), (2), and (E)(3) of section 3313.981 of the Revised Code, as those divisions existed for payments for fiscal year 2021;

(c) The district's payments for fiscal year 2021 under section 3317.163 of the Revised Code.

Section 265.237. POWER PLANT VALUATION ADJUSTMENT

(A)(1) On or before May 15, 2022, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least

one power plant located within its territory: 67555

(a) Whether the taxable value of all utility tangible 67556
personal property subject to taxation by the district in tax year 67557
2021 was less than the taxable value of such property during tax 67558
year 2017; 67559

(b) Whether the taxable value of all utility tangible 67560
personal property subject to taxation by the district in tax year 67561
2021 was less than the taxable value of such property during tax 67562
year 2020. 67563

(2) If the decrease determined under division (A)(1)(a) or 67564
(b) of this section exceeds ten per cent, the Tax Commissioner 67565
shall certify all of the following to the Department of Education 67566
and the Office of Budget and Management: 67567

(a) The district's total taxable value for tax year 2021; 67568

(b) The change in taxes charged and payable on the district's 67569
total taxable value for tax year 2017 and tax year 2021; 67570

(c) The taxable value of the utility tangible personal 67571
property decrease, which shall be considered a change in 67572
valuation; 67573

(d) The change in taxes charged and payable on such change in 67574
taxable value calculated in the same manner as in division (A)(3) 67575
of section 3317.021 of the Revised Code. 67576

(3) Upon receipt of a certification under division (A)(2) of 67577
this section, the Department of Education shall replace the 67578
three-year average valuations that were used in computing the 67579
district's state education aid for fiscal year 2019 with the 67580
taxable value certified under division (A)(2)(a) of this section 67581
and shall recompute the district's state education aid for fiscal 67582
year 2019 without applying any funding limitations enacted by the 67583
General Assembly to the computation. The Department shall pay to 67584

the district an amount equal to the greater of the following: 67585

(a) The lesser of the following: 67586

(i) The positive difference between the district's state 67587
education aid for fiscal year 2019 prior to the recomputation 67588
under division (A)(3) of this section and the district's 67589
recomputed state education aid for fiscal year 2019; 67590

(ii) The absolute value of the amount certified under 67591
division (A)(2)(b) of this section. 67592

(b) The absolute value of the amount certified under division 67593
(A)(2)(b) of this section X 0.50. 67594

(B)(1) On or before May 15, 2023, the Tax Commissioner shall 67595
determine for each city, local, exempted village, and joint 67596
vocational school district that has at least one power plant 67597
located within its territory: 67598

(a) Whether the taxable value of all utility tangible 67599
personal property subject to taxation by the district in tax year 67600
2022 was less than the taxable value of such property during tax 67601
year 2017; 67602

(b) Whether the taxable value of all utility tangible 67603
personal property subject to taxation by the district in tax year 67604
2022 was less than the taxable value of such property during tax 67605
year 2021. 67606

(2) If the decrease determined under division (B)(1)(a) or 67607
(b) of this section exceeds ten per cent, the Tax Commissioner 67608
shall certify all of the following to the Department of Education 67609
and the Office of Budget and Management: 67610

(a) The district's total taxable value for tax year 2022; 67611

(b) The change in taxes charged and payable on the district's 67612
total taxable value for tax year 2017 and tax year 2022; 67613

(c) The taxable value of the utility tangible personal 67614

property decrease, which shall be considered a change in valuation; 67615
67616

(d) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 67617
67618
67619

(3) Upon receipt of a certification under division (B)(2) of this section, the Department of Education shall replace the three-year average valuations that were used in computing the district's state education aid for fiscal year 2019 with the taxable value certified under division (B)(2)(a) of this section and shall recompute the district's state education aid for fiscal year 2019 without applying any funding limitations enacted by the General Assembly to the computation. The Department shall pay to the district an amount equal to the greater of the following: 67620
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67628

(a) The lesser of the following: 67629

(i) The positive difference between the district's state education aid for fiscal year 2019 prior to the recomputation under division (B)(3) of this section and the district's recomputed state education aid for fiscal year 2019; 67630
67631
67632
67633

(ii) The absolute value of the amount certified under division (B)(2)(b) of this section. 67634
67635

(b) The absolute value of the amount certified under division (B)(2)(b) of this section X 0.50. 67636
67637

(C) The Department of Education shall make payments under division (A)(3) of this section between June 1, 2022, and June 30, 2022, and the Department shall make payments under division (B)(3) of this section between June 1, 2023, and June 30, 2023. 67638
67639
67640
67641

Section 265.240. LITERACY IMPROVEMENT 67642

The foregoing appropriation item 200566, Literacy Improvement, shall be used by the Department of Education to 67643
67644

support early literacy activities to align state, local, and 67645
federal efforts in order to bolster all students' reading success. 67646
Funds shall be distributed to educational service centers to 67647
establish and support regional literacy professional development 67648
teams consistent with section 3312.01 of the Revised Code. A 67649
portion of the funds may be used by the Department for program 67650
administration, monitoring, technical assistance, support, 67651
research, and evaluation. 67652

Section 265.250. ADULT EDUCATION PROGRAMS 67653

Of the foregoing appropriation item 200572, Adult Education 67654
Programs, up to \$6,300,000 in each fiscal year shall be used to 67655
make payments under sections 3314.38, 3317.23, 3317.24, and 67656
3345.86 of the Revised Code. 67657

A portion of the foregoing appropriation item 200572, Adult 67658
Education Programs, shall be used in each fiscal year to make 67659
payments to institutions participating in the Adult Diploma Pilot 67660
Program under section 3313.902 of the Revised Code and to pay 67661
career-technical planning districts for the amounts reimbursed to 67662
students, as prescribed in this section. If funds are insufficient 67663
to make payments for the Adult Diploma Pilot Program, upon the 67664
request of the Superintendent of Public Instruction, the Director 67665
of Budget and Management may transfer appropriation from 67666
appropriation item 200550, Foundation Funding, to appropriation 67667
item 200572, Adult Education Programs, subject to an available 67668
balance in appropriation item 200550 and Controlling Board 67669
approval. Any appropriation so transferred shall be used to make 67670
payments to institutions participating in the Adult Diploma Pilot 67671
Program pursuant to section 3313.902 of the Revised Code. 67672

Each career-technical planning district shall reimburse 67673
individuals taking a nationally recognized high school equivalency 67674
examination approved by the Department of Education for the first 67675

time for application fees, examination fees, or both, in excess of 67676
\$40, up to a maximum reimbursement per individual of \$80. Each 67677
career-technical planning district shall designate a site or sites 67678
where individuals may register and take an approved examination. 67679
For each individual who registers for an approved examination, the 67680
career-technical planning district shall make available and offer 67681
career counseling services, including information on adult 67682
education programs that are available. A portion of the 67683
appropriation item may be used to reimburse the Department of 67684
Youth Services and the Department of Rehabilitation and Correction 67685
for individuals in these facilities who have taken an approved 67686
examination for the first time. The amounts reimbursed shall not 67687
exceed the per-individual amounts reimbursed to other individuals 67688
under this section for an approved examination. 67689

Notwithstanding any provision of law to the contrary, the 67690
unexpended balance of appropriations for payments under sections 67691
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 67692
Code at the end of each fiscal year may be encumbered by the 67693
Department of Education and remain available for payment for a 67694
period not to exceed two years from the end of each fiscal year in 67695
which the funds were originally appropriated, in accordance with 67696
guidelines established by the Superintendent of Public 67697
Instruction. 67698

A portion of the foregoing appropriation item 200572, Adult 67699
Education Programs, may be used for program administration, 67700
technical assistance, support, research, and evaluation of adult 67701
education programs, including high school equivalency examinations 67702
approved by the Department of Education. 67703

Section 265.260. EDCHOICE EXPANSION 67704

The foregoing appropriation item 200573, EdChoice Expansion, 67705
shall be used to provide for the scholarships awarded under the 67706

expansion of the educational choice program established under 67707
section 3310.032 of the Revised Code. The number of scholarships 67708
awarded under the expansion of the educational choice program 67709
shall not exceed the number that can be funded with the 67710
appropriations made by the General Assembly for this purpose. 67711

HALF-MILL MAINTENANCE EQUALIZATION 67712

The foregoing appropriation item 200574, Half-Mill 67713
Maintenance Equalization, shall be used to make payments pursuant 67714
to section 3318.18 of the Revised Code. 67715

ADAPTIVE SPORTS PROGRAM 67716

The foregoing appropriation item 200576, Adaptive Sports 67717
Program, shall be used by the Department of Education, in 67718
collaboration with the Adaptive Sports Program of Ohio, to fund 67719
adaptive sports programs in school districts across the state. 67720

Section 265.275. PROGRAM AND PROJECT SUPPORT 67721

Of the foregoing appropriation item 200597, Program and 67722
Project Support, \$1,000,000 in each fiscal year shall be 67723
distributed to Ohio Adolescent Health Centers to support risk 67724
avoidance education initiatives. 67725

Of the foregoing appropriation item 200597, Program and 67726
Project Support, \$188,000 in each fiscal year shall be distributed 67727
to the Cleveland Museum of Natural History to support its 67728
STEM-based educational programming. 67729

Section 265.280. MEDICAID IN SCHOOLS PROGRAM 67730

The foregoing appropriation item, 657401, Medicaid in Schools 67731
Program, shall be used by the Department of Education to support 67732
the Medicaid in Schools Program. 67733

Section 265.300. TEACHER CERTIFICATION AND LICENSURE 67734

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education to administer and support teacher certification and licensure activities. Notwithstanding section 3319.51 of the Revised Code, a portion of the foregoing appropriation may also be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

Section 265.320. SCHOOL DISTRICT SOLVENCY ASSISTANCE

(A) The foregoing appropriation item 200687, School District Solvency Assistance, shall be allocated to the School District Shared Resource Account and the Catastrophic Expenditures Account in amounts determined by the Superintendent of Public Instruction. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School District Solvency Assistance Fund (Fund 5H30) from any fund used by the Department of Education or the General Revenue Fund to maintain sufficient cash balances in Fund 5H30 in fiscal years 2022 and 2023. Any cash transferred is hereby appropriated. The transferred cash may be used by the Department to provide assistance and grants to school districts to enable them to remain solvent and to pay unforeseeable expenses of a temporary or

emergency nature that the school district is unable to pay from 67766
existing resources. The Director shall notify the members of the 67767
Controlling Board of any such transfers. 67768

(C) If the cash balance of the School District Solvency 67769
Assistance Fund (Fund 5H30) is insufficient to pay solvency 67770
assistance in fiscal years 2022 and 2023, at the request of the 67771
Superintendent of Public Instruction, and with the approval of the 67772
Controlling Board, the Director of Budget and Management may 67773
transfer cash from the Lottery Profits Education Reserve Fund 67774
(Fund 7018) to Fund 5H30 to provide assistance and grants to 67775
school districts to enable them to remain solvent and to pay 67776
unforeseeable expenses of a temporary nature that they are unable 67777
to pay from existing resources under section 3316.20 of the 67778
Revised Code. Such transfers are hereby appropriated to 67779
appropriation item 200670, School District Solvency Assistance - 67780
Lottery. Any required reimbursements from school districts for 67781
solvency assistance granted from appropriation item 200670, School 67782
District Solvency Assistance - Lottery, shall be made to Fund 67783
7018. 67784

Section 265.323. STUDENT WELLNESS AND SUCCESS 67785

The foregoing appropriation item 200604, Student Wellness and 67786
Success, shall be used in conjunction with appropriation items 67787
200550, Foundation Funding, and 200612, Foundation Funding, to 67788
distribute the amounts calculated for disadvantaged pupil impact 67789
aid under sections 3314.08, 3317.022, 3317.16, and 3326.33 of the 67790
Revised Code and the portions of the state share of the base cost 67791
calculated under those sections that are attributable to the 67792
staffing cost for the student wellness and success component of 67793
the base cost, as determined by the Department of Education. 67794

Section 265.330. LOTTERY PROFITS EDUCATION FUND 67795

The foregoing appropriation item 200612, Foundation Funding, 67796
shall be used in conjunction with appropriation item 200550, 67797
Foundation Funding, to provide state foundation payments to school 67798
districts. 67799

The Department of Education, with the approval of the 67800
Director of Budget and Management, shall determine the monthly 67801
distribution schedules of appropriation item 200550, Foundation 67802
Funding, and appropriation item 200612, Foundation Funding. If 67803
adjustments to the monthly distribution schedule are necessary, 67804
the Department shall make such adjustments with the approval of 67805
the Director. 67806

Section 265.333. ACCELERATE GREAT SCHOOLS 67807

The foregoing appropriation item 200614, Accelerate Great 67808
Schools, shall be used to support the Accelerate Great Schools 67809
public-private partnership. 67810

LITERACY IMPROVEMENTS 67811

The foregoing appropriation item 200616, Literacy 67812
Improvement, shall be used to expand the Model Demonstration 67813
Project for Early Identification of Students with Dyslexia Grant. 67814
Under the expansion, the Superintendent of Public Instruction 67815
shall award grants to city, local, and exempted village school 67816
districts, community schools, STEM schools, or chartered nonpublic 67817
schools to support additional pilot programs to address the 67818
literacy needs of students in preschool through first grade. 67819
School districts or schools wishing to participate shall apply to 67820
the Superintendent of Public Instruction. The Superintendent shall 67821
select school districts and schools to participate according to 67822
criteria determined by the Superintendent. Participating school 67823
districts and schools shall receive professional learning and 67824
support for teachers and principals to improve their ability to 67825
provide instruction for children with dyslexia. Participating 67826

school districts and schools shall collaborate with the Department 67827
of Education to identify professional learning opportunities 67828
aligned to the science of reading. The Department may use up to 67829
ten per cent of the amount appropriated in each fiscal year for 67830
program administration and for support of districts and schools in 67831
identifying and serving students with dyslexia. 67832

As used in this section, "Model Demonstration Project for 67833
Early Identification of Students with Dyslexia Grant" means the 67834
grant awarded to Ohio by the U.S. Department of Education in 67835
October 2019 to improve the literacy of students with, or at risk 67836
for, dyslexia. 67837

Section 265.335. QUALITY COMMUNITY SCHOOLS SUPPORT 67838

(A) The foregoing appropriation item 200631, Quality 67839
Community Schools Support, shall be used for the Quality Community 67840
School Support Program. Under the program, the Department of 67841
Education shall pay each community school established under 67842
Chapter 3314. of the Revised Code and designated as a Community 67843
School of Quality under this section an amount up to \$1,750 in 67844
each fiscal year for each pupil identified as economically 67845
disadvantaged and up to \$1,000 in each fiscal year for each pupil 67846
that is not identified as economically disadvantaged. The payment 67847
for the current fiscal year shall be calculated using the final 67848
adjusted full-time equivalent number of students enrolled in a 67849
community school for the prior fiscal year, except that if a 67850
school is in its first year of operation the payment for the 67851
current fiscal year shall be calculated using the adjusted 67852
full-time equivalent number of students enrolled in the school for 67853
the current fiscal year as of the date the payment is made, as 67854
reported by the school under section 3314.08 of the Revised Code. 67855
The Department shall make the payment to each Community School of 67856
Quality not later than January 31 of each fiscal year. If the 67857

amount appropriated is not sufficient, the Department shall 67858
prorate the amounts so that the aggregate amount appropriated is 67859
not exceeded. 67860

(B) To be designated as a Community School of Quality, a 67861
community school shall satisfy at least one of the following 67862
conditions: 67863

(1) The community school meets all of the following criteria: 67864

(a) The school's sponsor was rated "exemplary" or "effective" 67865
on the sponsor's most recent evaluation conducted under section 67866
3314.016 of the Revised Code. 67867

(b) The school received a higher performance index score than 67868
the school district in which the school is located on the two most 67869
recent report cards issued for the school under section 3302.03 of 67870
the Revised Code. 67871

(c) The school received an overall grade of "A" or "B" for 67872
the value-added progress dimension on the most recent report card 67873
issued for the school under section 3302.03 of the Revised Code or 67874
is a school described under division (A)(4) of section 3314.35 of 67875
the Revised Code and did not receive a grade for the value-added 67876
progress dimension on the most recent report card. 67877

(d) At least fifty per cent of the students enrolled in the 67878
school are economically disadvantaged, as determined by the 67879
Department. 67880

(2) The community school meets all of the following criteria: 67881

(a) The school's sponsor was rated "exemplary" or "effective" 67882
on the sponsor's most recent evaluation conducted under section 67883
3314.016 of the Revised Code. 67884

(b) The school is in its first year of operation or the 67885
school opened as a kindergarten school and has added one grade per 67886
year and has been in operation for less than four school years. 67887

(c) The school is replicating an operational and instructional model used by a community school described in division (B)(1) of this section. 67888
67889
67890

(d) If the school has an operator, the operator received a "C" or better on its most recent performance report published under section 3314.031 of the Revised Code. 67891
67892
67893

(3) The community school meets all of the following criteria: 67894

(a) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 67895
67896
67897

(b) The school contracts with an operator that operates schools in other states and meets at least one of the following criteria: 67898
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67900

(i) Has operated a school that received a grant funded through the federal Charter School Program established under 20 U.S.C. 7221 within the five years prior to the date of application or received funding from the Charter School Growth Fund; 67901
67902
67903
67904

(ii) Meets all of the following criteria: 67905

(I) One of the operator's schools in another state performed better than the school district in which the school is located, as determined by the Department. 67906
67907
67908

(II) At least fifty per cent of the total number of students enrolled in all of the operator's schools are economically disadvantaged, as determined by the Department. 67909
67910
67911

(III) The operator is in good standing in all states where it operates schools, as determined by the Department. 67912
67913

(IV) The Department has determined that the operator does not have any financial viability issues that would prevent it from effectively operating a community school in Ohio. 67914
67915
67916

(c) The school is in its first year of operation. 67917

(C) A school designated as a Community School of Quality 67918
under division (B) of this section shall maintain that designation 67919
for the two fiscal years following the fiscal year in which the 67920
school was initially designated as a Community School of Quality. 67921

(D) A school designated a Community School of Quality may 67922
renew its designation each year that it satisfies the criteria 67923
under division (B)(1) of this section. The school shall maintain 67924
that designation for the two fiscal years following each fiscal 67925
year in which the criteria under division (B)(1) of this section 67926
are satisfied. 67927

Section 265.340. COMMUNITY SCHOOL FACILITIES 67928

The foregoing appropriation item 200684, Community School 67929
Facilities, shall be used to pay each community school established 67930
under Chapter 3314. of the Revised Code and each STEM school 67931
established under Chapter 3326. of the Revised Code an amount 67932
equal to \$25 in each fiscal year for each full-time equivalent 67933
pupil in an internet- or computer-based community school and \$250 67934
in each fiscal year for each full-time equivalent pupil in all 67935
other community or STEM schools for assistance with the cost 67936
associated with facilities. If the amount appropriated is not 67937
sufficient, the Department shall prorate the amounts so that the 67938
aggregate amount appropriated is not exceeded. 67939

Section 265.350. LOTTERY PROFITS EDUCATION RESERVE FUND 67940

(A) There is hereby created the Lottery Profits Education 67941
Reserve Fund (Fund 7018) in the State Treasury. Investment 67942
earnings of the Lottery Profits Education Reserve Fund shall be 67943
credited to the fund. 67944

(B) Notwithstanding any other provision of law to the 67945
contrary, the Director of Budget and Management may transfer cash 67946
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 67947

in fiscal year 2022 and fiscal year 2023. 67948

(C) On July 15, 2021, or as soon as possible thereafter, the 67949
Director of the Ohio Lottery Commission shall certify to the 67950
Director of Budget and Management the amount by which lottery 67951
profit transfers received by Fund 7017 exceeded \$1,177,000,000 in 67952
fiscal year 2021. 67953

(D) On July 15, 2022, or as soon as possible thereafter, the 67954
Director of the Ohio Lottery Commission shall certify to the 67955
Director of Budget and Management the amount by which lottery 67956
profit transfers received by Fund 7017 exceeded \$1,234,000,000 in 67957
fiscal year 2022. 67958

(E) Notwithstanding any provision of law to the contrary, in 67959
fiscal year 2022 and fiscal year 2023, the Director of Budget and 67960
Management may transfer cash in excess of the amounts necessary to 67961
support appropriations in Fund 7017 from that fund to Fund 7018. 67962

Section 265.355. FEDERAL CORONAVIRUS SCHOOL RELIEF 67963

Of the foregoing appropriation item 200640, Federal 67964
Coronavirus School Relief, \$250,000 in each fiscal year shall be 67965
used to support the Career Promise Academy Summer Demonstration 67966
Pilot Program established under section 3302.043 of the Revised 67967
Code. The Department of Education shall support this set-aside 67968
using the state activity funds provided under Title III, Sec. 67969
313(e) of the federal "Consolidated Appropriations Act, 2021," 67970
Pub. L. No. 116-260. 67971

Section 265.380. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 67972
ASSESSMENT OF EDUCATION PROGRESS 67973

The General Assembly intends for the Superintendent of Public 67974
Instruction to provide for school district participation in the 67975
administration of the National Assessment of Education Progress in 67976
accordance with section 3301.27 of the Revised Code. Each school 67977

and school district selected for participation by the 67978
Superintendent shall participate. 67979

Section 265.400. EARMARK ACCOUNTABILITY 67980

At the request of the Superintendent of Public Instruction, 67981
any entity that receives a budget earmark under the Department of 67982
Education shall submit annually to the chairpersons of the 67983
committees of the House of Representatives and the Senate 67984
primarily concerned with education and education funding and to 67985
the Department a report that includes a description of the 67986
services supported by the funds, a description of the results 67987
achieved by those services, an analysis of the effectiveness of 67988
the program, and an opinion as to the program's applicability to 67989
other school districts. For an earmarked entity that received 67990
state funds from an earmark in the prior fiscal year, no funds 67991
shall be provided by the Department to an earmarked entity for a 67992
fiscal year until its report for the prior fiscal year has been 67993
submitted. 67994

Section 265.410. COMMUNITY SCHOOL OPERATING FROM HOME 67995

A community school established under Chapter 3314. of the 67996
Revised Code that was open for operation as a community school as 67997
of May 1, 2005, may operate from or in any home, as defined in 67998
section 3313.64 of the Revised Code, located in the state, 67999
regardless of when the community school's operations from or in a 68000
particular home began. 68001

Section 265.420. USE OF VOLUNTEERS 68002

The Department of Education may utilize the services of 68003
volunteers to accomplish any of the purposes of the Department. 68004
The Superintendent of Public Instruction shall approve for what 68005
purposes volunteers may be used and for these purposes may 68006

recruit, train, and oversee the services of volunteers. The 68007
Superintendent may reimburse volunteers for necessary and 68008
appropriate expenses in accordance with state guidelines and may 68009
designate volunteers as state employees for the purpose of motor 68010
vehicle accident liability insurance under section 9.83 of the 68011
Revised Code, for immunity under section 9.86 of the Revised Code, 68012
and for indemnification from liability incurred in the performance 68013
of their duties under section 9.87 of the Revised Code. 68014

Section 265.430. RESTRICTION OF LIABILITY FOR CERTAIN 68015
REIMBURSEMENTS 68016

(A) Except as expressly required under a court judgment not 68017
subject to further appeals, or a settlement agreement with a 68018
school district executed on or before June 1, 2009, in the case of 68019
a school district for which the formula ADM for fiscal year 2005, 68020
as reported for that fiscal year under division (A) of section 68021
3317.03 of the Revised Code, was reduced based on enrollment 68022
reports for community schools, made under section 3314.08 of the 68023
Revised Code, regarding students entitled to attend school in the 68024
district, which reduction of formula ADM resulted in a reduction 68025
of foundation funding or transitional aid funding for fiscal year 68026
2005, 2006, or 2007, no school district, except a district named 68027
in the court's judgment or the settlement agreement, shall have a 68028
legal claim for reimbursement of the amount of such reduction in 68029
foundation funding or transitional aid funding, and the state 68030
shall not have liability for reimbursement of the amount of such 68031
reduction in foundation funding or transitional aid funding. 68032

(B) As used in this section: 68033

(1) "Community school" means a community school established 68034
under Chapter 3314. of the Revised Code. 68035

(2) "Entitled to attend school" means entitled to attend 68036
school in a school district under section 3313.64 or 3313.65 of 68037

the Revised Code. 68038

(3) "Foundation funding" means payments calculated for the 68039
respective fiscal year under Chapter 3317. of the Revised Code. 68040

(4) "Transitional aid funding" means payments calculated for 68041
the respective fiscal year under Section 41.37 of H.B. 95 of the 68042
125th General Assembly, as subsequently amended; Section 206.09.39 68043
of H.B. 66 of the 126th General Assembly, as subsequently amended; 68044
and Section 269.30.80 of H.B. 119 of the 127th General Assembly. 68045

Section 265.440. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 68046

In collaboration with the County Family and Children First 68047
Council, a city, local, or exempted village school district, 68048
community school, STEM school, joint vocational school district, 68049
educational service center, or county board of developmental 68050
disabilities that receives allocations from the Department of 68051
Education from appropriation item 200550, Foundation Funding, or 68052
appropriation item 200540, Special Education Enhancements, may 68053
transfer portions of those allocations to a flexible funding pool 68054
authorized by the section of this act entitled "FAMILY AND 68055
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 68056
maintenance of effort or for federal or state funding matching 68057
requirements shall not be transferred unless the allocation may 68058
still be used to meet such requirements. 68059

Section 265.450. PRIVATE TREATMENT FACILITY PROJECT 68060

(A) As used in this section: 68061

(1) The following are "participating residential treatment 68062
centers": 68063

(a) Private residential treatment facilities that have 68064
entered into a contract with the Department of Youth Services to 68065
provide services to children placed at the facility by the 68066

Department and which, in fiscal year 2022 or fiscal year 2023 or 68067
both, the Department pays through appropriation item 470401, 68068
RECLAIM Ohio; 68069

(b) Abraxas, in Shelby; 68070

(c) Paint Creek, in Bainbridge; 68071

(d) F.I.R.S.T., in Mansfield. 68072

(2) "Education program" means an elementary or secondary 68073
education program or a special education program and related 68074
services. 68075

(3) "Served child" means any child receiving an education 68076
program pursuant to division (B) of this section. 68077

(4) "School district responsible for tuition" means a city, 68078
exempted village, or local school district that, if tuition 68079
payment for a child by a school district is required under law 68080
that existed in fiscal year 1998, is the school district required 68081
to pay that tuition. 68082

(5) "Residential child" means a child who resides in a 68083
participating residential treatment center and who is receiving an 68084
educational program under division (B) of this section. 68085

(B) A youth who is a resident of the state and has been 68086
assigned by a juvenile court or other authorized agency to a 68087
residential treatment facility specified in division (A) of this 68088
section shall be enrolled in an approved educational program 68089
located in or near the facility. Approval of the educational 68090
program shall be contingent upon compliance with the criteria 68091
established for such programs by the Department of Education. The 68092
educational program shall be provided by a school district or 68093
educational service center, or by the residential facility itself. 68094
Maximum flexibility shall be given to the residential treatment 68095
facility to determine the provider. In the event that a voluntary 68096

agreement cannot be reached and the residential facility does not 68097
choose to provide the educational program, the educational service 68098
center in the county in which the facility is located shall 68099
provide the educational program at the treatment center to 68100
children under twenty-two years of age residing in the treatment 68101
center. 68102

(C) Any school district responsible for tuition for a 68103
residential child shall, notwithstanding any conflicting provision 68104
of the Revised Code regarding tuition payment, pay tuition for the 68105
child for fiscal year 2022 and fiscal year 2023 to the education 68106
program provider and in the amount specified in this division. If 68107
there is no school district responsible for tuition for a 68108
residential child and if the participating residential treatment 68109
center to which the child is assigned is located in the city, 68110
exempted village, or local school district that, if the child were 68111
not a resident of that treatment center, would be the school 68112
district where the child is entitled to attend school under 68113
sections 3313.64 and 3313.65 of the Revised Code, that school 68114
district, notwithstanding any conflicting provision of the Revised 68115
Code, shall pay tuition for the child for fiscal year 2022 and 68116
fiscal year 2023 under this division unless that school district 68117
is providing the educational program to the child under division 68118
(B) of this section. 68119

A tuition payment under this division shall be made to the 68120
school district, educational service center, or residential 68121
treatment facility providing the educational program to the child. 68122

The amount of tuition paid shall be: 68123

(1) The amount of tuition determined for the district under 68124
division (A) of section 3317.08 of the Revised Code; 68125

(2) In addition, for any student receiving special education 68126
pursuant to an individualized education program as defined in 68127

section 3323.01 of the Revised Code, a payment for excess costs. 68128
This payment shall equal the actual cost to the school district, 68129
educational service center, or residential treatment facility of 68130
providing special education and related services to the student 68131
pursuant to the student's individualized education program, minus 68132
the tuition paid for the child under division (C)(1) of this 68133
section. 68134

A school district paying tuition under this division shall 68135
not include the child for whom tuition is paid in the district's 68136
average daily membership certified under division (A) of section 68137
3317.03 of the Revised Code. 68138

(D) In each of fiscal years 2022 and 2023, the Department of 68139
Education shall reimburse, from appropriations made for the 68140
purpose, a school district, educational service center, or 68141
residential treatment facility, whichever is providing the 68142
service, that has demonstrated that it is in compliance with the 68143
funding criteria for each served child for whom a school district 68144
must pay tuition under division (C) of this section. The amount of 68145
the reimbursement shall be the amount appropriated for this 68146
purpose divided by the full-time equivalent number of children for 68147
whom reimbursement is to be made. 68148

(E) Funds provided to a school district, educational service 68149
center, or residential treatment facility under this section shall 68150
be used to supplement, not supplant, funds from other public 68151
sources for which the school district, service center, or 68152
residential treatment facility is entitled or eligible. 68153

(F) The Department of Education shall track the utilization 68154
of funds provided to school districts, educational service 68155
centers, and residential treatment facilities under this section 68156
and monitor the effect of the funding on the educational programs 68157
they provide in participating residential treatment facilities. 68158
The Department shall monitor the programs for educational 68159

accountability. 68160

Section 265.460. (A) The Superintendent of Public Instruction 68161
may form partnerships with Ohio's business community, including 68162
the Ohio Business Roundtable, to create and implement initiatives 68163
that connect students with the business community in an effort to 68164
increase student engagement and job readiness through internships, 68165
work study, and site-based learning experiences. 68166

(B) If the Superintendent forms a partnership pursuant to 68167
division (A) of this section, the initiatives created and 68168
implemented through that partnership shall do all of the 68169
following: 68170

(1) Support the career connection learning strategies 68171
described in division (B)(2) of section 3301.079 of the Revised 68172
Code; 68173

(2) Provide an opportunity for students to earn high school 68174
credit toward graduation or to meet curriculum requirements in 68175
accordance with divisions (J)(1) and (2) of section 3313.603 of 68176
the Revised Code; 68177

(3) Inform the development of student success plans pursuant 68178
to division (C) of section 3313.6020 of the Revised Code. 68179

Section 265.490. Upon receipt of federal funds under Title 68180
IV, Part A, Student Support and Academic Enrichment Grants, and 68181
after payments are made pursuant to education programs included in 68182
this block grant program, the Department shall direct any unused 68183
funds to cover all or part of the cost of Advanced Placement tests 68184
and International Baccalaureate registration and exam fees for 68185
low-income students. 68186

Section 265.500. Not later than January 1, 2023, the 68187
Department of Education, in consultation with the Department of 68188

Higher Education, shall conduct a study on the results and 68189
cost-effectiveness of the College Credit Plus Program, established 68190
under Chapter 3365. of the Revised Code, and submit a report of 68191
its findings to the Governor, the Speaker of the House of 68192
Representatives, the President of the Senate, and the Director of 68193
the Legislative Service Commission. The study shall include the 68194
cost-effectiveness for secondary schools and participants under 68195
the program, as well as whether participants in the program save 68196
money on college tuition and reduce the amount of time to degree 68197
completion. 68198

Section 265.520. (A) Notwithstanding anything in the Revised 68199
Code to the contrary, the Superintendent of Public Instruction 68200
shall not establish any new academic distress commissions for the 68201
2021-2022 and 2022-2023 school years. 68202

(B) This section does not affect an academic distress 68203
commission established prior to the effective date of this 68204
section. 68205

Section 267.10. ELC OHIO ELECTIONS COMMISSION 68206

General Revenue Fund 68207

GRF 051321 Operating Expenses	\$	394,765	\$	394,765	68208
TOTAL GRF General Revenue Fund	\$	394,765	\$	394,765	68209

Dedicated Purpose Fund Group 68210

4P20 051601 Operating Support	\$	207,460	\$	207,460	68211
TOTAL DPF Dedicated Purpose Fund	\$	207,460	\$	207,460	68212

Group

TOTAL ALL BUDGET FUND GROUPS	\$	602,225	\$	602,225	68213
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Section 269.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 68215
DIRECTORS 68216

General Revenue Fund					68217
GRF 881500	Indigent Burial and Cremation Support	\$ 1,000,000	\$ 1,000,000		68218
TOTAL GRF	General Revenue Fund	\$ 1,000,000	\$ 1,000,000		68219
Dedicated Purpose Fund Group					68220
4K90 881609	Operating Expenses	\$ 1,130,516	\$ 1,171,398		68221
TOTAL DPF	Dedicated Purpose Fund Group	\$ 1,130,516	\$ 1,171,398		68222
TOTAL ALL BUDGET FUND GROUPS		\$ 2,130,516	\$ 2,171,398		68223

Section 271.10. PAY EMPLOYEE BENEFITS FUND 68225

Fiduciary Fund Group					68226
1240 995673	Payroll Deductions	\$ 849,020,267	\$ 874,490,874		68227
8060 995666	Accrued Leave Fund	\$ 90,830,634	\$ 93,990,898		68228
8070 995667	Disability Fund	\$ 25,839,844	\$ 26,225,104		68229
8080 995668	State Employee Health Benefit Fund	\$ 989,360,954	\$ 1,023,563,551		68230
8090 995669	Dependent Care Spending Account	\$ 4,477,000	\$ 4,477,000		68231
8100 995670	Life Insurance Investment Fund	\$ 2,050,085	\$ 2,118,913		68232
8110 995671	Parental Leave Benefit Fund	\$ 4,432,933	\$ 4,565,921		68233
8130 995672	Health Care Spending Account	\$ 14,397,032	\$ 14,798,897		68234
TOTAL FID	Fiduciary Fund Group	\$ 1,980,408,749	\$ 2,044,231,158		68235
TOTAL ALL BUDGET FUND GROUPS		\$ 1,980,408,749	\$ 2,044,231,158		68236

Section 271.20. PAYROLL DEDUCTION FUND 68238

The foregoing appropriation item 995673, Payroll Deductions, 68239
shall be used to make payments from the Payroll Deduction Fund 68240
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 68241

is determined by the Director of Budget and Management that 68242
additional amounts are necessary, the amounts are hereby 68243
appropriated. 68244

ACCRUED LEAVE LIABILITY FUND 68245

The foregoing appropriation item 995666, Accrued Leave Fund, 68246
shall be used to make payments from the Accrued Leave Liability 68247
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 68248
If it is determined by the Director of Budget and Management that 68249
additional amounts are necessary, the amounts are hereby 68250
appropriated. 68251

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 68252

The foregoing appropriation item 995667, Disability Fund, 68253
shall be used to make payments from the State Employee Disability 68254
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 68255
Revised Code. If it is determined by the Director of Budget and 68256
Management that additional amounts are necessary, the amounts are 68257
hereby appropriated. 68258

STATE EMPLOYEE HEALTH BENEFIT FUND 68259

The foregoing appropriation item 995668, State Employee 68260
Health Benefit Fund, shall be used to make payments from the State 68261
Employee Health Benefit Fund (Fund 8080) pursuant to section 68262
124.87 of the Revised Code. If it is determined by the Director of 68263
Budget and Management that additional amounts are necessary, the 68264
amounts are hereby appropriated. 68265

DEPENDENT CARE SPENDING FUND 68266

The foregoing appropriation item 995669, Dependent Care 68267
Spending Account, shall be used to make payments from the 68268
Dependent Care Spending Fund (Fund 8090) to employees eligible for 68269
dependent care expenses pursuant to section 124.822 of the Revised 68270
Code. If it is determined by the Director of Budget and Management 68271

that additional amounts are necessary, the amounts are hereby 68272
appropriated. 68273

LIFE INSURANCE INVESTMENT FUND 68274

The foregoing appropriation item 995670, Life Insurance 68275
Investment Fund, shall be used to make payments from the Life 68276
Insurance Investment Fund (Fund 8100) for the costs and expenses 68277
of the state's life insurance benefit program pursuant to section 68278
125.212 of the Revised Code. If it is determined by the Director 68279
of Budget and Management that additional amounts are necessary, 68280
the amounts are hereby appropriated. 68281

PARENTAL LEAVE BENEFIT FUND 68282

The foregoing appropriation item 995671, Parental Leave 68283
Benefit Fund, shall be used to make payments from the Parental 68284
Leave Benefit Fund (Fund 8110) to employees eligible for parental 68285
leave benefits pursuant to section 124.137 of the Revised Code. If 68286
it is determined by the Director of Budget and Management that 68287
additional amounts are necessary, the amounts are hereby 68288
appropriated. 68289

HEALTH CARE SPENDING ACCOUNT FUND 68290

The foregoing appropriation item 995672, Health Care Spending 68291
Account, shall be used to make payments from the Health Care 68292
Spending Account Fund (Fund 8130) for payments pursuant to state 68293
employees' participation in a flexible spending account for 68294
non-reimbursed health care expenses and section 124.821 of the 68295
Revised Code. If it is determined by the Director of Budget and 68296
Management that additional amounts are necessary, the amounts are 68297
hereby appropriated. 68298

Section 273.10. ERB STATE EMPLOYMENT RELATIONS BOARD 68299

General Revenue Fund 68300

GRF 125321 Operating Expenses \$ 4,011,118 \$ 4,116,551 68301

TOTAL GRF General Revenue Fund	\$	4,011,118	\$	4,116,551	68302
Dedicated Purpose Fund Group					68303
5720 125603 Training and Publications	\$	172,160	\$	242,173	68304
TOTAL DPF Dedicated Purpose Fund Group	\$	172,160	\$	242,173	68305
TOTAL ALL BUDGET FUND GROUPS	\$	4,183,278	\$	4,358,724	68306

Section 275.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS 68308

Dedicated Purpose Fund Group					68309
4K90 892609 Operating Expenses	\$	1,312,259	\$	1,312,259	68310
TOTAL DPF Dedicated Purpose Fund Group	\$	1,312,259	\$	1,312,259	68311
TOTAL ALL BUDGET FUND GROUPS	\$	1,312,259	\$	1,312,259	68312

Section 277.10. EPA ENVIRONMENTAL PROTECTION AGENCY 68314

General Revenue Fund					68315
GRF 715502 Auto Emissions E-Check Program	\$	9,125,482	\$	9,125,482	68316
TOTAL GRF General Revenue Fund	\$	9,125,482	\$	9,125,482	68317
Dedicated Purpose Fund Group					68318
4D50 715618 Recycled State Materials	\$	50,000	\$	50,000	68319
4J00 715638 Underground Injection Control	\$	456,891	\$	464,794	68320
4K20 715648 Clean Air - Non Title V	\$	5,317,000	\$	5,317,000	68321
4K30 715649 Solid Waste	\$	15,604,074	\$	16,603,928	68322
4K40 715650 Surface Water Protection	\$	11,375,000	\$	11,565,000	68323
4K50 715651 Drinking Water Protection	\$	7,751,598	\$	8,429,640	68324

4P50	715654	Cozart Landfill	\$	10,000	\$	10,000	68325
4R50	715656	Scrap Tire Management	\$	3,410,366	\$	3,570,259	68326
4R90	715658	Voluntary Action Program	\$	1,074,027	\$	1,089,245	68327
4T30	715659	Clean Air - Title V Permit Program	\$	10,274,000	\$	10,284,000	68328
5000	715608	Immediate Removal Special Account	\$	722,000	\$	722,000	68329
5030	715621	Hazardous Waste Facility Management	\$	4,755,552	\$	5,125,120	68330
5050	715623	Hazardous Waste Cleanup	\$	10,557,535	\$	11,017,788	68331
5050	715698	Response and Investigations	\$	3,380,000	\$	3,450,000	68332
5320	715646	Recycling and Litter Control	\$	4,598,000	\$	4,598,000	68333
5410	715670	Site Specific Cleanup	\$	771,192	\$	771,192	68334
5420	715671	Risk Management Reporting	\$	210,000	\$	210,000	68335
5860	715637	Scrap Tire Market Development	\$	1,000,000	\$	1,000,000	68336
5BC0	715622	Local Air Pollution Control	\$	2,100,000	\$	2,100,000	68337
5BC0	715624	Surface Water	\$	6,606,600	\$	6,606,600	68338
5BC0	715672	Air Pollution Control	\$	8,647,800	\$	8,647,800	68339
5BC0	715673	Drinking and Ground Water	\$	3,769,815	\$	3,769,815	68340
5BC0	715676	Assistance and Prevention	\$	1,968,750	\$	1,968,750	68341
5BC0	715677	Laboratory	\$	3,495,450	\$	3,495,450	68342
5BC0	715678	Corrective Actions	\$	1,176,000	\$	1,176,000	68343
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	68344

5BC0	715692	Administration	\$	16,213,250	\$	15,923,250	68345
5BC0	715694	Environmental Resource Coordination	\$	788,000	\$	793,000	68346
5BT0	715679	C&DD Groundwater Monitoring	\$	225,000	\$	225,000	68347
5BY0	715681	Auto Emissions Test	\$	1,470,826	\$	1,494,826	68348
5H40	715664	Groundwater Support	\$	332,000	\$	332,000	68349
5PZ0	715696	Drinking Water Loan Fee	\$	2,081,245	\$	2,088,650	68350
5VA0	715601	Marsh Restoration	\$	750,000	\$	750,000	68351
5Y30	715685	Surface Water Improvement	\$	500,000	\$	500,000	68352
6440	715631	Emergency Response Radiological Safety	\$	325,370	\$	332,287	68353
6760	715642	Water Pollution Control Loan Administration	\$	5,055,000	\$	5,455,000	68354
6760	715699	Water Quality Administration	\$	4,100,000	\$	4,223,000	68355
6780	715635	Air Toxic Release	\$	20,000	\$	0	68356
6790	715636	Emergency Planning	\$	2,864,000	\$	2,864,000	68357
6960	715643	Air Pollution Control Administration	\$	1,002,000	\$	1,002,000	68358
6990	715644	Water Pollution Control Administration	\$	300,000	\$	300,000	68359
6A10	715645	Environmental Education	\$	300,000	\$	300,000	68360
6H20	715695	H2Ohio	\$	10,000,000	\$	10,000,000	68361
TOTAL	DPF	Dedicated Purpose Fund Group	\$	155,858,341	\$	159,075,394	68362
		Internal Service Activity Fund Group					68363
1990	715602	Laboratory Services	\$	533,000	\$	533,000	68364

2190	715604	Central Support	\$	8,075,000	\$	8,675,000	68365
		Indirect					
4A10	715640	Operating Expenses	\$	1,418,000	\$	1,443,000	68366
TOTAL ISA		Internal Service Activity	\$	10,026,000	\$	10,651,000	68367
Fund Group							
Federal Fund Group							68368
3530	715612	Public Water Supply	\$	2,150,000	\$	2,150,000	68369
3570	715619	Air Pollution Control	\$	6,115,000	\$	6,115,000	68370
		- Federal					
3620	715605	Underground Injection	\$	133,000	\$	133,000	68371
		Control - Federal					
3BU0	715684	Water Quality	\$	15,570,000	\$	15,625,000	68372
		Protection					
3CS0	715688	Federal NRD	\$	201,000	\$	201,000	68373
		Settlements					
3F30	715632	Federally Supported	\$	8,137,195	\$	8,218,775	68374
		Cleanup and Response					
3HE0	715697	Volkswagen Clean Air	\$	18,766,500	\$	5,876,500	68375
		Act Settlement					
3T30	715669	Drinking Water State	\$	3,141,500	\$	3,148,130	68376
		Revolving Fund					
3V70	715606	Agencywide Grants	\$	700,000	\$	700,000	68377
TOTAL FED		Federal Fund Group	\$	54,914,195	\$	42,167,405	68378
TOTAL ALL BUDGET		FUND GROUPS	\$	229,924,018	\$	221,019,281	68379

Section 277.20. CASH TRANSFER TO THE AUTO EMISSIONS TEST FUND 68381
FROM THE SCRAP TIRE MANAGEMENT FUND 68382

The Director of Budget and Management, at the request of the 68383
Director of Environmental Protection, and upon approval by the 68384
Controlling Board, may transfer up to \$1,500,000 cash in each 68385
fiscal year from the Scrap Tire Management Fund (Fund 4R50) to the 68386
Auto Emissions Test Fund (Fund 5BY0). 68387

AREAWIDE PLANNING AGENCIES	68388
The Director of Environmental Protection may award grants	68389
from appropriation item 715687, Areawide Planning Agencies, to	68390
areawide planning agencies engaged in areawide water quality	68391
management and planning activities in accordance with Section 208	68392
of the "Federal Clean Water Act," 33 U.S.C. 1288.	68393
H2OHIO FUND	68394
On July 1, 2022, or as soon as possible thereafter, the	68395
Director of Environmental Protection may certify to the Director	68396
of Budget and Management an amount up to the unexpended,	68397
unencumbered balance of the foregoing appropriation item, 715695,	68398
H2Ohio, at the end of fiscal year 2022 to be reappropriated in	68399
fiscal year 2023. Upon Controlling Board approval, the amount	68400
certified is hereby reappropriated to the same appropriation item	68401
for fiscal year 2023.	68402
Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION	68403
General Revenue Fund	68404
GRF 172321 Operating Expenses \$ 651,000 \$ 651,000	68405
TOTAL GRF General Revenue Fund \$ 651,000 \$ 651,000	68406
TOTAL ALL BUDGET FUND GROUPS \$ 651,000 \$ 651,000	68407
Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION	68409
General Revenue Fund	68410
GRF 935401 Statehouse News \$ 382,893 \$ 382,893	68411
Bureau	
GRF 935402 Ohio Government \$ 1,919,526 \$ 1,919,526	68412
Telecommunications	
Services	
GRF 935410 Content Development, \$ 3,909,231 \$ 3,909,231	68413
Acquisition, and	

Distribution			
GRF 935430	Broadcast Education	\$ 3,812,325	\$ 3,840,067 68414
Operating			
TOTAL GRF	General Revenue Fund	\$ 10,023,975	\$ 10,051,717 68415
			Dedicated Purpose Fund Group 68416
5FK0 935608	Media Services	\$ 61,500	\$ 61,500 68417
5VB0 935650	Facility Rental	\$ 22,400	\$ 23,600 68418
TOTAL DPF	Dedicated Purpose Fund	\$ 83,900	\$ 85,100 68419
			Internal Service Activity Fund Group 68420
4F30 935603	Affiliate Services	\$ 4,000	\$ 4,400 68421
TOTAL ISA	Internal Service Activity	\$ 4,000	\$ 4,400 68422
Fund			
TOTAL ALL BUDGET FUND GROUPS		\$ 10,111,875	\$ 10,141,217 68423

Section 281.20. STATEHOUSE NEWS BUREAU 68425

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 68426
68427
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OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 68429

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 68430
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CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 68437

The foregoing appropriation item 935410, Content Development, Acquisition, and Distribution, shall be used for the development, acquisition, and distribution of information resources by public media and radio reading services and for educational use in the 68438
68439
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68441

classroom and online. 68442

Of the foregoing appropriation item 935410, Content 68443
Development, Acquisition, and Distribution, up to \$964,496 in each 68444
fiscal year shall be allocated equally among the Ohio educational 68445
television stations. Funds shall be used for the production of 68446
interactive instructional programming series with priority given 68447
to resources aligned with state academic content standards. The 68448
programming shall be targeted to the needs of the one-third lowest 68449
capacity school districts as determined by the district's state 68450
share index calculated by the Department of Education. 68451

Of the foregoing appropriation item 935410, Content 68452
Development, Acquisition, and Distribution, up to \$2,650,261 in 68453
each fiscal year shall be distributed by the Broadcast Educational 68454
Media Commission to Ohio's qualified public educational television 68455
stations and educational radio stations to support their 68456
operations. The funds shall be distributed pursuant to an 68457
allocation formula used by the Ohio Educational Telecommunications 68458
Network Commission unless a substitute formula is developed by the 68459
Broadcast Educational Media Commission in consultation with Ohio's 68460
qualified public educational television stations and educational 68461
radio stations. 68462

Of the foregoing appropriation item 935410, Content 68463
Development, Acquisition, and Distribution, up to \$294,474 in each 68464
fiscal year shall be distributed by the Broadcast Educational 68465
Media Commission to Ohio's qualified radio reading services to 68466
support their operations. The funds shall be distributed pursuant 68467
to an allocation formula used by the Ohio Educational 68468
Telecommunications Network Commission unless a substitute formula 68469
is developed by the Broadcast Educational Media Commission in 68470
consultation with Ohio's qualified radio reading services. 68471

Section 283.10. ETH OHIO ETHICS COMMISSION 68472

General Revenue Fund				68473
GRF 146321 Operating Expenses	\$	1,946,515	\$ 1,946,515	68474
TOTAL GRF General Revenue Fund	\$	1,946,515	\$ 1,946,515	68475
Dedicated Purpose Fund Group				68476
4M60 146601 Operating Support	\$	585,539	\$ 645,443	68477
TOTAL DPF Dedicated Purpose Fund	\$	585,539	\$ 645,443	68478
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	2,532,054	\$ 2,591,958	68479

Section 285.10. EXP OHIO EXPOSITIONS COMMISSION 68481

General Revenue Fund				68482
GRF 723403 Junior Fair Subsidy	\$	261,900	\$ 363,750	68483
TOTAL GRF General Revenue Fund	\$	261,900	\$ 363,750	68484
Dedicated Purpose Fund Group				68485
4N20 723602 Ohio State Fair	\$	325,000	\$ 325,000	68486
Harness Racing				
5060 723601 Operating Expenses	\$	15,179,189	\$ 15,953,148	68487
5060 723604 Grounds Maintenance	\$	300,000	\$ 300,000	68488
and Repairs				
TOTAL DPF Dedicated Purpose Fund	\$	15,804,189	\$ 16,578,148	68489
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	16,066,089	\$ 16,941,898	68490

STATE FAIR RESERVE 68491

The General Manager of the Expositions Commission, in 68492
consultation with the Director of Budget and Management, may 68493
submit a request to the Controlling Board to use available amounts 68494
in the State Fair Reserve Fund (Fund 6400) if revenues from either 68495
the 2021 or the 2022 Ohio State Fair are unexpectedly low. 68496

On July 1 of each fiscal year, or as soon as possible 68497
thereafter, the Director of Budget and Management, in consultation 68498
with the General Manager of the Expositions Commission, may 68499

determine that the Ohio Expositions Fund (Fund 5060) has a cash 68500
balance in excess of the anticipated operating costs of the 68501
Exposition Commission in that fiscal year. Notwithstanding section 68502
991.04 of the Revised Code, the Director of Budget and Management 68503
may transfer an amount up to the excess cash from Fund 5060 to 68504
Fund 6400 in each fiscal year. 68505

Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 68506

General Revenue Fund 68507

GRF 230321 Operating Expenses \$ 6,449,865 \$ 6,769,488 68508

GRF 230401 Cultural Facilities \$ 22,000,000 \$ 28,000,000 68509

Lease Rental Bond
Payments

GRF 230458 State Construction \$ 1,924,111 \$ 1,962,955 68510

Management Services

GRF 230908 Common Schools \$ 427,000,000 \$ 390,000,000 68511

General Obligation
Bond Debt Service

TOTAL GRF General Revenue Fund \$ 457,373,976 \$ 426,732,443 68512

Internal Service Activity Fund Group 68513

1310 230639 State Construction \$ 8,257,500 \$ 8,546,513 68514

Management Services

TOTAL ISA Internal Service Activity \$ 8,257,500 \$ 8,546,513 68515

Fund

TOTAL ALL BUDGET FUND GROUPS \$ 465,631,476 \$ 435,278,956 68516

Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND 68518

PAYMENTS 68519

The foregoing appropriation item 230401, Cultural Facilities 68520

Lease Rental Bond Payments, shall be used to meet all payments 68521

during the period from July 1, 2021, through June 30, 2023, by the 68522

Ohio Facilities Construction Commission pursuant to leases and 68523

agreements for cultural and sports facilities made under section 68524
154.23 of the Revised Code. These appropriations are the source of 68525
funds pledged for bond service charges on related obligations 68526
issued under Chapter 154. of the Revised Code. 68527

COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE 68528

The foregoing appropriation item 230908, Common Schools 68529
General Obligation Bond Debt Service, shall be used to pay all 68530
debt service and related financing costs during the period from 68531
July 1, 2021, through June 30, 2023, on obligations issued under 68532
sections 151.01 and 151.03 of the Revised Code. 68533

Section 287.30. COMMUNITY PROJECT ADMINISTRATION 68534

The foregoing appropriation item 230458, State Construction 68535
Management Services, shall be used by the Ohio Facilities 68536
Construction Commission in administering Cultural and Sports 68537
Facilities Building Fund (Fund 7030) projects pursuant to section 68538
123.201 of the Revised Code and to provide tools and services to 68539
state agency, university, and K-12 public school projects, 68540
including oversight of the Ohio Administrative Knowledge System 68541
Capital Improvements Module (OAKS-CI). 68542

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 68543

At the request of the Executive Director of the Ohio 68544
Facilities Construction Commission, the Director of Budget and 68545
Management may cancel encumbrances for school district projects 68546
from a previous biennium if the district has not raised its local 68547
share of project costs within thirteen months of receiving 68548
Controlling Board approval under section 3318.05 or 3318.41 of the 68549
Revised Code. The Executive Director of the Ohio Facilities 68550
Construction Commission shall certify the amounts of the canceled 68551
encumbrances to the Director of Budget and Management on a 68552
quarterly basis. The amounts of the canceled encumbrances are 68553

hereby appropriated. 68554

Section 287.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 68555
APPROPRIATIONS 68556

On July 1, 2021, or as soon as possible thereafter, the 68557
Executive Director of the Ohio Facilities Construction Commission 68558
shall certify to the Director of Budget and Management the amount 68559
of cash receipts and related investment income, irrevocable 68560
letters of credit from a bank, or certification of the 68561
availability of funds that have been received from a county or a 68562
municipal corporation for deposit into the Capital Donations Fund 68563
(Fund 5A10) and that are related to an anticipated project. These 68564
amounts are hereby appropriated to appropriation item C37146, 68565
Capital Donations. Prior to certifying these amounts to the 68566
Director, the Executive Director shall make a written agreement 68567
with the participating entity on the necessary cash flows required 68568
for the anticipated construction or equipment acquisition project. 68569

Section 287.50. AMENDMENT TO PROJECT AGREEMENT FOR 68570
MAINTENANCE LEVY 68571

The Ohio Facilities Construction Commission shall amend the 68572
project agreement between the Commission and a school district 68573
that is participating in the Accelerated Urban School Building 68574
Assistance Program as of September 29, 2018, if the Commission 68575
determines that it is necessary to do so in order to comply with 68576
division (B)(3)(c) of section 3318.38 of the Revised Code. 68577

Section 287.60. Notwithstanding any other provision of law to 68578
the contrary, the Ohio Facilities Construction Commission may 68579
determine the amount of funding available for disbursement in a 68580
given fiscal year for any project approved under sections 3318.01 68581
to 3318.20 of the Revised Code in order to keep aggregate state 68582
capital spending within approved limits and may take actions 68583

including, but not limited to, determining the schedule for design 68584
or bidding of approved projects, to ensure appropriate and 68585
supportable cash flow. 68586

Section 287.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 68587
DISTRICT 68588

Notwithstanding division (B) of section 3318.40 of the 68589
Revised Code, in each fiscal year in which funds are available for 68590
additional projects, the Ohio Facilities Construction Commission 68591
shall provide assistance to at least one joint vocational school 68592
district for the acquisition or improvement of classroom 68593
facilities in accordance with sections 3318.40 to 3318.45 of the 68594
Revised Code. 68595

Section 287.80. RETURNED OR RECOVERED FUNDS 68596

Notwithstanding any provision of law to the contrary, any 68597
moneys a school district transfers to the Ohio Facilities 68598
Construction Commission under division (C)(2) or (3) of section 68599
3318.12 of the Revised Code as well as any moneys recovered from 68600
settlements with or judgments against parties relating to their 68601
involvement in a classroom facilities project shall be deposited 68602
into the fund from which the capital appropriation for the project 68603
was made. In any fiscal year in which the Commission has made a 68604
deposit under this section, the Executive Director of the Ohio 68605
Facilities Construction Commission may request the Director of 68606
Budget and Management to authorize expenditures from those funds 68607
and specified appropriation items in excess of the amounts 68608
appropriated in an amount equal to the amount of the funds 68609
deposited under this section. The additional amounts, if 68610
authorized, shall be used in accordance with the purposes of 68611
Chapter 3318. of the Revised Code for projects pursuant to 68612
sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the 68613

Revised Code. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

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Section 289.10. GOV OFFICE OF THE GOVERNOR 68616

General Revenue Fund 68617

GRF 040321 Operating Expenses \$ 2,973,034 \$ 2,973,034 68618

TOTAL GRF General Revenue Fund \$ 2,973,034 \$ 2,973,034 68619

Internal Service Activity Fund Group 68620

5AK0 040607 Government Relations \$ 619,988 \$ 619,988 68621

TOTAL ISA Internal Service Activity 68622

Fund Group \$ 619,988 \$ 619,988 68623

TOTAL ALL BUDGET FUND GROUPS \$ 3,593,022 \$ 3,593,022 68624

GOVERNMENT RELATIONS 68625

The Office of the Governor may issue an intrastate transfer voucher to charge any state agency of the executive branch such amounts necessary to represent the interests of Ohio to federal, state, and local government units and to cover the costs or membership dues related to Ohio's participation in national and regional associations. Amounts collected shall be deposited in the Government Relations Fund (Fund 5AK0).

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Section 291.10. DOH DEPARTMENT OF HEALTH 68633

General Revenue Fund 68634

GRF 440413 Local Health \$ 8,379,808 \$ 2,379,808 68635

Departments

GRF 440416 Mothers and Children \$ 4,303,612 \$ 4,303,612 68636

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,500,000 \$ 1,500,000 68637

Services

GRF 440438 Breast and Cervical \$ 1,021,131 \$ 1,021,131 68638

Cancer Screening

GRF 440444	AIDS Prevention	\$	3,493,468	\$	3,493,468	68639
GRF 440451	Public Health Laboratory	\$	3,672,005	\$	3,672,005	68640
GRF 440452	Child and Family Health Services Match	\$	589,482	\$	589,482	68641
GRF 440453	Health Care Quality Assurance	\$	6,084,936	\$	6,084,936	68642
GRF 440454	Environmental Health/Radiation Protection	\$	2,779,841	\$	2,779,841	68643
GRF 440459	Help Me Grow	\$	41,242,281	\$	41,242,281	68644
GRF 440465	FQHC Primary Care Workforce Initiative	\$	2,686,688	\$	2,686,688	68645
GRF 440472	Alcohol Testing	\$	1,210,805	\$	1,210,805	68646
GRF 440474	Infant Vitality	\$	17,637,292	\$	12,137,292	68647
GRF 440477	Emergency Preparedness and Response	\$	1,431,954	\$	1,431,954	68648
GRF 440481	Lupus Awareness	\$	57,000	\$	57,000	68649
GRF 440482	Chronic Disease, Injury Prevention and Drug Overdose	\$	11,148,480	\$	7,898,480	68650
GRF 440483	Infectious Disease Prevention and Control	\$	6,522,054	\$	4,522,054	68651
GRF 440484	Public Health Technology Innovation	\$	1,313,760	\$	1,313,760	68652
GRF 440485	Health Program Support	\$	125,000	\$	125,000	68653
GRF 440505	Medically Handicapped Children	\$	11,262,451	\$	11,262,451	68654
GRF 440507	Targeted Health Care Services-Over 21	\$	2,000,000	\$	2,000,000	68655
GRF 440527	Lead Abatement	\$	7,150,000	\$	7,150,000	68656
GRF 440529	Harm Reduction	\$	50,000	\$	50,000	68657
GRF 440530	Lead-Safe Home Fund	\$	1,000,000	\$	1,000,000	68658

	Pilot Program			
GRF 440672	Youth Homelessness	\$	2,500,000	\$ 2,500,000 68659
GRF 654453	Medicaid - Health Care	\$	4,246,250	\$ 4,246,250 68660
	Quality Assurance			
TOTAL GRF	General Revenue Fund	\$	143,408,298	\$ 126,658,298 68661
	Highway Safety Fund Group 68662			
4T40 440603	Child Highway Safety	\$	200,000	\$ 200,000 68663
TOTAL HSF	Highway Safety Fund Group	\$	200,000	\$ 200,000 68664
	Dedicated Purpose Fund Group 68665			
4700 440647	Fee Supported Programs	\$	29,178,120	\$ 29,178,120 68666
4710 440619	Certificate of Need	\$	878,433	\$ 878,433 68667
4730 440622	Lab Operating Expenses	\$	8,900,000	\$ 8,900,000 68668
4770 440627	Medically Handicapped	\$	5,000,000	\$ 5,000,000 68669
	Children Audit			
4D60 440608	Genetics Services	\$	3,311,039	\$ 3,311,039 68670
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$ 1,032,824 68671
	Control			
4G00 440636	Heirloom Birth	\$	15,000	\$ 15,000 68672
	Certificate			
4G00 440637	Birth Certificate	\$	15,000	\$ 15,000 68673
	Surcharge			
4L30 440609	HIV Care and	\$	38,704,139	\$ 38,719,096 68674
	Miscellaneous Expenses			
4P40 440628	Ohio Physician Loan	\$	700,000	\$ 700,000 68675
	Repayment			
4V60 440641	Save Our Sight	\$	2,500,000	\$ 2,500,000 68676
5B50 440616	Quality, Monitoring,	\$	736,194	\$ 736,194 68677
	and Inspection			
5BX0 440656	Tobacco Use	\$	14,500,000	\$ 14,500,000 68678
	Prevention, Cessation, and Enforcement			
5CN0 440645	Choose Life	\$	80,000	\$ 80,000 68679

5D60	440620	Second Chance Trust	\$	1,000,000	\$	1,000,000	68680
5ED0	440651	Smoke Free Indoor Air	\$	280,000	\$	280,000	68681
5G40	440639	Adoption Services	\$	100,000	\$	100,000	68682
5PE0	440659	Breast and Cervical Cancer Services	\$	500,000	\$	500,000	68683
5QJ0	440662	Dental Hygienist Loan Repayments	\$	100,000	\$	100,000	68684
5SH0	440520	Children's Wish Grant Program	\$	275,000	\$	275,000	68685
5TZ0	440621	Toxicology Screenings	\$	1,000,000	\$	1,000,000	68686
5Z70	440624	Ohio Dentist Loan Repayment	\$	275,000	\$	275,000	68687
6100	440626	Radiation Emergency Response	\$	1,300,000	\$	1,300,000	68688
6660	440607	Medically Handicapped Children - County Assessments	\$	24,000,000	\$	24,000,000	68689
6980	440634	Nurse Aide Training	\$	125,000	\$	125,000	68690
TOTAL DPF		Dedicated Purpose Fund Group	\$	134,505,749	\$	134,520,706	68691
		Internal Service Activity Fund Group					68692
1420	440646	Agency Health Services	\$	5,000,000	\$	5,000,000	68693
2110	440613	Central Support Indirect Costs	\$	29,750,000	\$	29,750,000	68694
TOTAL ISA		Internal Service Activity Fund Group	\$	34,750,000	\$	34,750,000	68695
		Holding Account Fund Group					68696
R014	440631	Vital Statistics	\$	44,986	\$	44,986	68697
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	68698

TOTAL HLD Holding Account Fund	\$	64,986	\$	64,986	68699
Group					
Federal Fund Group					68700
3200 440601 Maternal Child Health	\$	25,000,000	\$	25,000,000	68701
Block Grant					
3870 440602 Preventive Health	\$	9,750,000	\$	9,750,000	68702
Block Grant					
3890 440604 Women, Infants, and	\$	220,000,000	\$	220,000,000	68703
Children					
3910 440606 Medicare Survey and	\$	19,300,000	\$	19,300,000	68704
Certification					
3920 440618 Federal Public Health	\$	105,000,000	\$	105,000,000	68705
Programs					
3GD0 654601 Medicaid Program	\$	36,040,949	\$	36,040,949	68706
Support					
3GN0 440660 Public Health	\$	26,500,000	\$	26,500,000	68707
Emergency					
Preparedness					
3HP0 440673 Public Health	\$	350,000,000	\$	150,000,000	68708
Emergency Response					
3HV0 440679 COVID-19 Vaccines	\$	50,000,000	\$	0	68709
Distribution and					
Administration					
TOTAL FED Federal Fund Group	\$	841,590,949	\$	591,590,949	68710
TOTAL ALL BUDGET FUND GROUPS	\$	1,154,519,982	\$	887,784,939	68711

Section 291.20. LOCAL HEALTH DEPARTMENTS 68713

Of the foregoing appropriation item 440413, Local Health 68714
Departments, up to \$6,000,000 in fiscal year 2022 may be used to 68715
support local health departments' efforts to improve population 68716
health, based upon the findings and recommendations in Ohio's 68717
2020-2022 State Health Improvement Plan, and/or to incentivize 68718
efficiencies among local health departments, including the use of 68719

shared services or the consolidation of local health departments 68720
that formally merge on or after July 1, 2021. Funding for mergers 68721
shall be distributed only after a formal merger agreement is 68722
signed by two or more local health departments and shared with the 68723
Department of Health. The funding shall be used to cover the costs 68724
related to the merger and to build capacity for the newly combined 68725
local health department in order to improve services to the public 68726
and the health of all residents. A portion of this funding may 68727
also be used to support pre-merger analysis and planning for 68728
departments interested in a merger. The Director of Health shall 68729
seek Controlling Board approval before any funds can be expended 68730
from this earmark. 68731

On July 1, 2022, or as soon as possible thereafter, the 68732
Director of Health may certify to the Director of Budget and 68733
Management an amount up to the unexpended, unencumbered balance of 68734
the foregoing appropriation item 440413, Local Health Departments, 68735
at the end of fiscal year 2022 to be reappropriated to fiscal year 68736
2023. The amount certified is hereby reappropriated to the same 68737
appropriation item for fiscal year 2023. 68738

MOTHERS AND CHILDREN SAFETY NET SERVICES 68739

Of the foregoing appropriation item 440416, Mothers and 68740
Children Safety Net Services, \$15,000 in each fiscal year shall be 68741
distributed to the Trumbull County chapter of Sleep in Heavenly 68742
Peace, Inc. 68743

Of the foregoing appropriation item 440416, Mothers and 68744
Children Safety Net Services, up to \$200,000 in each fiscal year 68745
may be used to assist families with hearing-impaired children 68746
under twenty-one years of age in purchasing hearing aids and 68747
hearing assistive technology. The Director of Health shall adopt 68748
rules governing the distribution of these funds, including rules 68749
that do both of the following: (1) establish eligibility criteria 68750
to include families with incomes at or below four hundred per cent 68751

of the federal poverty guidelines as defined in section 5101.46 of 68752
the Revised Code, and (2) develop a sliding scale of disbursements 68753
under this section based on family income. The Director may adopt 68754
other rules as necessary to implement this section. Rules adopted 68755
under this section shall be adopted in accordance with Chapter 68756
119. of the Revised Code. 68757

FREE CLINIC SAFETY NET SERVICES 68758

The foregoing appropriation item 440431, Free Clinic Safety 68759
Net Services, shall be provided to the Charitable Healthcare 68760
Network. Funds may be used to reimburse free clinics for health 68761
care services provided, as well as for administrative services, 68762
information technology costs, infrastructure repair, or other 68763
clinic necessities. Additionally, the Director of Health may 68764
designate up to five per cent of the appropriation in each fiscal 68765
year to pay the administrative costs the Department of Health 68766
incurs for operating the program. 68767

AIDS PREVENTION 68768

The foregoing appropriation item 440444, AIDS Prevention, 68769
shall be used to administer educational and other prevention 68770
initiatives. 68771

FQHC PRIMARY CARE WORKFORCE INITIATIVE 68772

The foregoing appropriation item 440465, FQHC Primary Care 68773
Workforce Initiative, shall be provided to the Ohio Association of 68774
Community Health Centers to administer the FQHC Primary Care 68775
Workforce Initiative. The Initiative shall provide medical, 68776
dental, behavioral health, physician assistant, and advanced 68777
practice nursing students with clinical rotations through 68778
federally qualified health centers. 68779

INFANT VITALITY 68780

Of the foregoing appropriation item, 440474, Infant Vitality, 68781

up to \$5,000,000 in fiscal year 2022 shall be used, in 68782
consultation with the Governor's Office of Children's Initiatives, 68783
to support programming by community and local faith-based service 68784
providers that invests in maternal health programs, provides 68785
services and support to pregnant mothers, and improves both 68786
maternal and infant health outcomes. 68787

Of the foregoing appropriation item 440474, Infant Vitality, 68788
up to \$500,000 in fiscal year 2022 shall be used, in consultation 68789
with the Department of Medicaid, to develop a universal needs 68790
assessment to identify and provide needed health and wraparound 68791
supports for vulnerable women. 68792

The remainder of appropriation item 440474, Infant Vitality, 68793
shall be used to fund a multi-pronged population health approach 68794
to address infant mortality. This approach may include the 68795
following: increasing awareness; supporting data collection; 68796
analysis and interpretation to inform decision-making and ensure 68797
accountability; targeting resources where the need is greatest; 68798
and implementing quality improvement science and programming that 68799
is evidence-based or based on emerging practices. Measurable 68800
interventions may include activities related to safe sleep, 68801
community engagement, Centering Pregnancy, newborn screening, safe 68802
birth spacing, gestational diabetes, smoking cessation, 68803
breastfeeding, care coordination, and progesterone. 68804

EMERGENCY PREPAREDNESS AND RESPONSE 68805

The foregoing appropriation item 440477, Emergency 68806
Preparedness and Response, shall be used to support public health 68807
emergency preparedness and response efforts. This appropriation 68808
may also be used to support data infrastructure projects and other 68809
data analysis and analytics work. 68810

LUPUS AWARENESS 68811

The foregoing appropriation item 440481, Lupus Awareness, 68812

shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program. 68813
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CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE 68816

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$3,000,000 in fiscal year 2022 shall be used, in consultation with the Department of Mental Health and Addiction Services and the Governor's RecoveryOhio Initiative, to support the continuation of the Emergency Department Comprehensive Care Initiative to enhance Ohio's response to the addiction crisis by creating a comprehensive system of care for patients who present in emergency departments with addiction. 68817
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Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year 2022 shall be used, in consultation with the Governor's RecoveryOhio Initiative, to support local health providers' harm reduction efforts to reduce overdose rates and deaths. 68826
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Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, \$75,000 in fiscal year 2022 shall be distributed to the Dental Center of Northwest Ohio to be used for clinical equipment at its practice in Toledo. 68831
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INFECTIOUS DISEASE PREVENTION AND CONTROL 68835

Of the foregoing appropriation item 440483, Infectious Disease Prevention and Control, up to \$2,000,000 in fiscal year 2022 shall be used, in consultation with Ohio's state agencies, boards, and commissions, for the purpose of addressing social determinants of health and improving health equity for all Ohioans. 68836
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On July 1, 2022, or as soon as possible thereafter, the Director of Health may certify to the Director of Budget and 68842
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Management an amount up to the unexpended, unencumbered balance of 68844
the foregoing appropriation item 440483, Infectious Disease 68845
Prevention and Control, at the end of fiscal year 2022 to be 68846
reappropriated to fiscal year 2023. The amount certified is hereby 68847
reappropriated to the same appropriation item for fiscal year 68848
2023. 68849

TARGETED HEALTH CARE SERVICES-OVER 21 68850

The foregoing appropriation item 440507, Targeted Health Care 68851
Services-Over 21, shall be used to administer the Cystic Fibrosis 68852
Program and to implement the Hemophilia Insurance Premium Payment 68853
Program. The Department of Health shall expend \$100,000 in each 68854
fiscal year to implement the Hemophilia Insurance Premium Payment 68855
Program. 68856

The foregoing appropriation item 440507, Targeted Health Care 68857
Services-Over 21, shall also be used to provide essential 68858
medications and to pay the copayments for drugs approved by the 68859
Department of Health and covered by Medicare Part D that are 68860
dispensed to Bureau for Children with Medical Handicaps (BCMH) 68861
participants for the Cystic Fibrosis Program. 68862

The Department shall expend all of the funds appropriated in 68863
appropriation item 440507, Targeted Health Care Services-Over 21. 68864

LEAD ABATEMENT 68865

Of the foregoing appropriation item 440527, Lead Abatement, 68866
\$250,000 in each fiscal year shall be used by the Department of 68867
Health to distribute funds to the city of Toledo for lead-based 68868
paint abatement, containment, and housing rehabilitation projects 68869
in the historic south neighborhoods of Toledo. The Department may 68870
choose to require matching funding and to include project and 68871
reporting requirements before distributing funds. 68872

HARM REDUCTION 68873

The foregoing appropriation item 440529, Harm Reduction, 68874
shall be used to distribute funding to local health departments or 68875
a partner agency to operate harm reduction programs, including 68876
syringe services. Local health departments eligible for funding 68877
shall be accredited or in the process of becoming accredited 68878
through the Public Health Accreditation Board. 68879

LEAD-SAFE HOME FUND PILOT PROGRAM 68880

The foregoing appropriation item 440530, Lead-Safe Home Fund 68881
Pilot Program, shall be used by the Department of Health to make 68882
distributions on a quarterly basis to the Lead Safe Cleveland 68883
Coalition for the Lead-Safe Home Fund Pilot Program. Before any 68884
funds are distributed, the Coalition shall provide the Department 68885
with documentation showing the amount of private sector dollars 68886
the Coalition has collected. The amount of each distribution 68887
provided by the Department shall not exceed the amount documented. 68888
Total disbursements shall not exceed \$1,000,000 in each fiscal 68889
year. 68890

YOUTH HOMELESSNESS 68891

Of the foregoing appropriation item 440672, Youth 68892
Homelessness, \$900,000 in each fiscal year shall be distributed to 68893
the Star House for its Drop-In Center and its Carol Stewart 68894
Village to provide services for homeless youth. 68895

The remainder of appropriation item 440672, Youth 68896
Homelessness, shall be used to address homelessness in youth and 68897
pregnant women by providing assertive outreach to provide stable 68898
housing, including recovery housing. 68899

FEE SUPPORTED PROGRAMS 68900

Of the foregoing appropriation item 440647, Fee Supported 68901
Programs, \$2,160,000 in each fiscal year shall be used to 68902
distribute subsidies, on a per capita basis, to local health 68903
departments accredited through the Public Health Accreditation 68904

Board, or local health departments that are in the process of 68905
earning accreditation. 68906

Of the foregoing appropriation item 440647, Fee Supported 68907
Programs, \$1,840,000 in each fiscal year shall be used to 68908
distribute subsidies to local health departments accredited 68909
through the Public Health Accreditation Board on a per capita 68910
basis. 68911

MEDICALLY HANDICAPPED CHILDREN AUDIT 68912

The Medically Handicapped Children Audit Fund (Fund 4770) 68913
shall receive revenue from audits of hospitals and recoveries from 68914
third-party payers. Moneys may be expended for payment of audit 68915
settlements and for costs directly related to obtaining recoveries 68916
from third-party payers and for encouraging Medically Handicapped 68917
Children's Program recipients to apply for third-party benefits. 68918
Moneys also may be expended for payments for diagnostic and 68919
treatment services on behalf of medically handicapped children, as 68920
defined in division (A) of section 3701.022 of the Revised Code, 68921
and Ohio residents who are twenty-one or more years of age and who 68922
are suffering from cystic fibrosis or hemophilia. Moneys may also 68923
be expended for administrative expenses incurred in operating the 68924
Medically Handicapped Children's Program. 68925

GENETICS SERVICES 68926

The foregoing appropriation item 440608, Genetics Services, 68927
shall be used by the Department of Health to administer programs 68928
authorized by sections 3701.501 and 3701.502 of the Revised Code. 68929
None of these funds shall be used to counsel or refer for 68930
abortion, except in the case of a medical emergency. 68931

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 68932

Of the foregoing appropriation item 440656, Tobacco Use 68933
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 68934
year shall be used to award grants in accordance with the section 68935

of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 68936

Of the foregoing appropriation item 440656, Tobacco Use 68937
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 68938
year shall be distributed to boards of health for the Baby and Me 68939
Tobacco Free Program. The Director of Health shall determine how 68940
the funds are to be distributed, but shall prioritize awards to 68941
boards that serve women who reside in communities that have the 68942
highest infant mortality rates in this state, as identified under 68943
section 3701.142 of the Revised Code. 68944

The remainder of appropriation item 440656, Tobacco Use 68945
Prevention, Cessation, and Enforcement, shall be used to 68946
administer tobacco use prevention and cessation activities and 68947
programs, to administer compliance checks, retailer education, and 68948
programs related to legal age restrictions, and to enforce the 68949
Ohio Smoke-Free Workplace Act. 68950

TOXICOLOGY SCREENINGS 68951

The foregoing appropriation item 440621, Toxicology 68952
Screenings, shall be used to reimburse county coroners in counties 68953
in which the coroner has performed toxicology screenings on 68954
victims of a drug overdose. The Director of Health shall transfer 68955
the funds to the counties in proportion to the numbers of 68956
toxicology screenings performed per county. 68957

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 68958

The foregoing appropriation item 440607, Medically 68959
Handicapped Children - County Assessments, shall be used to make 68960
payments under division (E) of section 3701.023 of the Revised 68961
Code. 68962

CASH TRANSFER TO EMERGENCY PREPAREDNESS AND RESPONSE FUND 68963

If the Director of Health determines that there are 68964
insufficient funds in appropriation item 440477, Emergency 68965

Preparedness and Response, for public health emergency 68966
preparedness and response activities, the Director may certify to 68967
the Director of Budget and Management an amount necessary to 68968
address these activities. Upon certification, the Director of 68969
Budget and Management shall transfer up to \$500,000 cash in each 68970
fiscal year from the Controlling Board Emergency 68971
Purposes/Contingencies Fund (Fund 5KM0) to the Emergency 68972
Preparedness and Response Fund (Fund 5UA0). The amount transferred 68973
is hereby appropriated. 68974

Section 291.30. MOMS QUIT FOR TWO GRANT PROGRAM 68975

(A) The Department of Health shall create the Moms Quit for 68976
Two Grant Program. Recognizing the significant health risks posed 68977
to women and their children by tobacco use during and after 68978
pregnancy, the Department shall award grants to private, nonprofit 68979
entities or government entities that demonstrate the ability to 68980
deliver evidence-based tobacco cessation interventions to women 68981
who reside in communities that have the highest incidence of 68982
infant mortality, as determined by the Director of Health, and who 68983
are pregnant or live with children. Funds awarded under this 68984
section shall not be used to provide tobacco cessation 68985
interventions to women who are eligible for Medicaid. The 68986
Department may adopt any rules it considers necessary to 68987
administer the Program. 68988

(B) The Department shall create a grant application and 68989
develop a process for receiving and evaluating completed grant 68990
applications on a competitive basis. The Department shall give 68991
first preference to the entities described in division (A) of this 68992
section that are able to target the interventions to pregnant 68993
women and second preference to such entities that are able to 68994
target the interventions to women living with children. The 68995
Department's decision regarding a submitted grant application is 68996

final. 68997

(C) The Department shall establish performance objectives to 68998
be met by grant recipients. The Department shall monitor the 68999
performance of each grant recipient in meeting the objectives. 69000

Section 291.40. WIC VENDOR CONTRACTS 69001

(A) As used in this section, "WIC" means the Special 69002
Supplemental Nutrition Program for Women, Infants, and Children 69003
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 69004
42 U.S.C. 1786, as amended. 69005

(B) During fiscal year 2022 and fiscal year 2023, the 69006
Department of Health shall process and review a WIC vendor 69007
contract application pursuant to Chapter 3701-42 of the 69008
Administrative Code not later than forty-five days after receipt 69009
of the application if the applicant is a WIC-contracted vendor at 69010
the time of application and meets all of the following 69011
requirements: 69012

(1) Submits a complete WIC vendor application with all 69013
required documents and information; 69014

(2) Passes the required unannounced preauthorization visit 69015
within forty-five days of submitting a complete application; 69016

(3) Completes the required in-person training within 69017
forty-five days of submitting the complete application. 69018

(C) If an applicant fails to meet any of the requirements 69019
described in division (B) of this section, the Department shall 69020
deny the application for the contract. After an application has 69021
been denied, the applicant may reapply for a contract to act as a 69022
WIC vendor during the contracting cycle that is applicable to the 69023
applicant's WIC region. 69024

Section 291.60. (A) As used in this section, "adult education 69025

institution" means a private, nonprofit provider of career 69026
education and training for adults that is licensed, accredited, or 69027
credentialed, or otherwise recognized in a manner approved by the 69028
Department of Health. 69029

(B) In fiscal years 2022 and 2023, the Department of Health 69030
shall establish and operate a Frontline Health Care Worker 69031
Education, Training, and Certification Pilot Program to reimburse 69032
adult education institutions for the cost of education and 69033
wraparound services provided to students as specified in divisions 69034
(C) and (D) of this section. In order to be eligible for 69035
reimbursement under the pilot program, an adult education 69036
institution must not receive other higher education funding from 69037
the state. 69038

(C) Both of the following are eligible for reimbursement 69039
under the pilot program, if provided to a student who meets the 69040
criteria specified in division (D) of this section: 69041

(1) Education-related expenses, including tuition, course 69042
fees, laboratory fees, enrollment application fees, books, and 69043
supplies; 69044

(2) Costs associated with the provision of, or referral for, 69045
the following wraparound services: 69046

(a) Smoking cessation; 69047

(b) Drug and alcohol counseling; 69048

(c) College and career access advising; 69049

(d) Financial aid counseling and scholarship retention 69050
services; 69051

(e) Workability and employability skills training involving 69052
such skills as communication, teamwork, critical thinking, ethics, 69053
computer skills, and life skills; 69054

(f) Employment placement and retention services;	69055
(g) Financial literacy programming;	69056
(h) Any other similar or related service approved by the Department of Health.	69057 69058
(D) For an education-related expense or a wraparound service to be eligible for reimbursement under the pilot program, the expense must be for, or the service must be provided to, a student who meets all of the following:	69059 69060 69061 69062
(1) The student is eighteen years old or older.	69063
(2) The student is actively enrolled at an adult education institution in a program to prepare the student for employment in any of the following professions:	69064 69065 69066
(a) Health care virtual assistant;	69067
(b) Medical assistant;	69068
(c) Medical coder;	69069
(d) Nurse aide;	69070
(e) Patient care assistant;	69071
(f) Phlebotomist.	69072
(3) The student's primary residence meets all of the following:	69073 69074
(a) Is in a county that has a population of five hundred thousand or more according to the 2010 federal decennial census;	69075 69076
(b) Is in a county that has experienced more than fifteen thousand confirmed cases of COVID-19 during the period of March 1, 2020, through December 31, 2020;	69077 69078 69079
(c) Is a severely distressed area, distressed area, or underserved area as defined by the United States Department of Housing and Urban Development.	69080 69081 69082

(E) The Department may adopt rules in accordance with Chapter 69083
 119. of the Revised Code to implement the pilot program. 69084

(F) The foregoing appropriation item 440485, Health Program 69085
 Support, shall be used to provide reimbursements under the 69086
 Frontline Healthcare Worker Education, Training, and Certification 69087
 Pilot Program. 69088

Section 293.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 69089

Dedicated Purpose Fund Group				69090
4610	372601	Operating Expenses	\$ 12,500 \$ 12,500	69091
TOTAL DPF Dedicated Purpose Fund Group				69092
TOTAL ALL BUDGET FUND GROUPS				69093

Section 295.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 69095

General Revenue Fund				69096
GRF	148321	Operating Expenses	\$ 464,047 \$ 464,047	69097
TOTAL GRF General Revenue Fund				69098
Dedicated Purpose Fund Group				69099
6010	148602	Special Initiatives	\$ 24,558 \$ 24,558	69100
TOTAL DPF Dedicated Purpose Fund Group				69101
TOTAL ALL BUDGET FUND GROUPS				69102

Section 297.10. OHS OHIO HISTORY CONNECTION 69104

General Revenue Fund				69105
GRF	360501	Education and Collections	\$ 5,016,092 \$ 5,016,092	69106
GRF	360502	Site and Museum Operations	\$ 6,532,753 \$ 6,532,753	69107
GRF	360504	Ohio Preservation	\$ 261,609 \$ 261,609	69108

		Office					
GRF	360505	National	\$	536,050	\$	536,050	69109
		Afro-American Museum					
GRF	360506	Hayes Presidential	\$	572,880	\$	572,880	69110
		Center					
GRF	360508	State Historical	\$	1,494,805	\$	1,494,805	69111
		Grants					
GRF	360509	Outreach and	\$	144,692	\$	144,692	69112
		Partnership					
TOTAL GRF		General Revenue Fund	\$	14,558,881	\$	14,558,881	69113
		Dedicated Purpose Fund Group					69114
5KL0	360602	Ohio History Tax	\$	150,000	\$	150,000	69115
		Check-off					
5PD0	360603	Ohio History License	\$	10,000	\$	10,000	69116
		Plate					
5XV0	360525	Ohio Commission for	\$	400,000	\$	0	69117
		the U.S.					
		Semiquincentennial					
TOTAL DPF		Dedicated Purpose Fund	\$	560,000	\$	160,000	69118
		Group					
TOTAL ALL BUDGET FUND GROUPS			\$	15,118,881	\$	14,718,881	69119

SUBSIDY APPROPRIATION 69120

Upon approval by the Director of Budget and Management, the 69121
foregoing appropriation items shall be released to the Ohio 69122
History Connection in quarterly amounts that in total do not 69123
exceed the annual appropriations. The funds and fiscal records of 69124
the Ohio History Connection for fiscal year 2022 and fiscal year 69125
2023 shall be examined by independent certified public accountants 69126
approved by the Auditor of State, and a copy of the audited 69127
financial statements shall be filed with the Office of Budget and 69128
Management. 69129

The foregoing appropriations shall be considered to be the 69130

contractual consideration provided by the state to support the 69131
state's offer to contract with the Ohio History Connection under 69132
section 149.30 of the Revised Code. 69133

STATE HISTORICAL GRANTS 69134

Of the foregoing appropriation item 360508, State Historical 69135
Grants, \$325,000 in each fiscal year shall be used for the 69136
Cleveland Institute of Art. 69137

Of the foregoing appropriation item 360508, State Historical 69138
Grants, \$250,000 in each fiscal year shall be allocated to create 69139
the Institute of Informal Science Education to be housed at the 69140
Boonshoft Museum of Discovery for distance learning, including 69141
implementation of a pilot program. The Boonshoft Museum shall 69142
complete an efficacy report as to the result of the education of 69143
participants in the pilot program to be submitted to the General 69144
Assembly. 69145

Of the foregoing appropriation item 360508, State Historical 69146
Grants, \$150,000 in each fiscal year shall be used for the Western 69147
Reserve Historical Society, and \$150,000 in each fiscal year shall 69148
be used for the Cincinnati Museum Center. 69149

Of the foregoing appropriation item 360508, State Historical 69150
Grants, \$100,000 in each fiscal year shall be used for the Nancy 69151
and David Wolf Holocaust and Humanity Center. 69152

Of the foregoing appropriation item 360508, State Historical 69153
Grants, \$100,000 in each fiscal year shall be used for The 69154
Cleveland Museum of Art. 69155

Of the foregoing appropriation item 360508, State Historical 69156
Grants, \$50,000 in each fiscal year shall be used for the Jewish 69157
Federation of Cincinnati to support the Jewish Cincinnati 69158
Bicentennial. 69159

OHIO COMMISSION FOR THE U.S. SEMIQUINCENTENNIAL 69160

The foregoing appropriation item 360525, Ohio Commission for the U.S. Semiquincentennial, shall be used by the Ohio Commission for the U.S. Semiquincentennial for costs incurred in the performance of its duties under section 149.309 of the Revised Code.

Section 298.10. HGM HOLOCAUST AND GENOCIDE MEMORIAL AND				69166
EDUCATION COMMISSION				69167
General Revenue Fund				69168
GRF 525501	Operating Expenses	\$ 100,000	\$ 100,000	69169
TOTAL GRF	General Revenue Fund	\$ 100,000	\$ 100,000	69170
TOTAL ALL BUDGET FUND GROUPS		\$ 100,000	\$ 100,000	69171

Section 298.20. OPERATING EXPENSES 69173

The foregoing appropriation item 525501, Operating Expenses, shall be used to support the operations of the Holocaust and Genocide Memorial and Education Commission established under section 197.03 of the Revised Code, including employment of a Director of the Office of the Commission and any other employees approved by the Commission.

Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES				69180
General Revenue Fund				69181
GRF 025321	Operating Expenses	\$ 25,917,274	\$ 25,917,274	69182
TOTAL GRF	General Revenue Fund	\$ 25,917,274	\$ 25,917,274	69183
Internal Service Activity Fund Group				69184
1030 025601	House of Representatives Reimbursement	\$ 1,433,664	\$ 1,433,664	69185
4A40 025602	Miscellaneous Sales	\$ 50,000	\$ 50,000	69186
TOTAL ISA	Internal Service Activity Fund Group	\$ 1,483,664	\$ 1,483,664	69188

TOTAL ALL BUDGET FUND GROUPS	\$	27,400,938	\$	27,400,938	69189
OPERATING EXPENSES					69190
On July 1, 2021, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.					69191 69192 69193 69194 69195 69196 69197 69198
On July 1, 2022, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.					69199 69200 69201 69202 69203 69204 69205 69206
HOUSE REIMBURSEMENT					69207
If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.					69208 69209 69210 69211
Section 301.10. HFA OHIO HOUSING FINANCE AGENCY					69212
Dedicated Purpose Fund Group					69213
5AZ0 997601 Housing Finance Agency	\$	13,258,659	\$	13,491,862	69214
Personal Services					
TOTAL DPF Dedicated Purpose Fund Group	\$	13,258,659	\$	13,491,862	69215
TOTAL ALL BUDGET FUND GROUPS	\$	13,258,659	\$	13,491,862	69216

Section 303.10. IGO OFFICE OF THE INSPECTOR GENERAL				69218
General Revenue Fund				69219
GRF 965321	Operating Expenses	\$ 1,403,910	\$ 1,437,000	69220
TOTAL GRF General Revenue Fund				69221
Internal Service Activity Fund Group				69222
5FA0 965603	Deputy Inspector	\$ 400,000	\$ 400,000	69223
General for ODOT				
5FT0 965604	Deputy Inspector	\$ 425,000	\$ 425,000	69224
General for BWC/OIC				
TOTAL ISA Internal Service Activity				69225
Fund Group				
TOTAL ALL BUDGET FUND GROUPS				69226
 Section 305.10. INS DEPARTMENT OF INSURANCE				69228
Dedicated Purpose Fund Group				69229
5540 820601	Operating Expenses -	\$ 180,000	\$ 180,000	69230
OSHIIP				
5540 820606	Operating Expenses	\$ 30,861,244	\$ 30,861,244	69231
5550 820605	Examination	\$ 9,179,766	\$ 9,179,766	69232
5PT0 820613	Captive Insurance	\$ 450,000	\$ 450,000	69233
Regulation and				
Supervision				
TOTAL DPF Dedicated Purpose Fund				69234
Group				
Federal Fund Group				69235
3U50 820602	OSHIIP Operating	\$ 2,793,150	\$ 2,793,150	69236
Grant				
TOTAL FED Federal Fund Group				69237
TOTAL ALL BUDGET FUND GROUPS				69238
 Section 305.20. MARKET CONDUCT EXAMINATION				69240

When conducting a market conduct examination of any insurer 69241
doing business in this state, the Superintendent of Insurance may 69242
assess the costs of the examination against the insurer. The 69243
Superintendent may enter into consent agreements to impose 69244
administrative assessments or fines for conduct discovered that 69245
may be violations of statutes or rules administered by the 69246
Superintendent. All costs, assessments, or fines collected shall 69247
be deposited to the credit of the Department of Insurance 69248
Operating Fund (Fund 5540). 69249

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 69250

The Director of Budget and Management, at the request of the 69251
Superintendent of Insurance, may transfer cash from the Department 69252
of Insurance Operating Fund (Fund 5540), established by section 69253
3901.021 of the Revised Code, to the Superintendent's Examination 69254
Fund (Fund 5550), established by section 3901.071 of the Revised 69255
Code, only for expenses incurred in examining domestic fraternal 69256
benefit societies as required by section 3921.28 of the Revised 69257
Code. 69258

Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 69259

General Revenue Fund 69260

GRF 600410	TANF State Maintenance	\$	149,267,326	\$	149,267,326	69261
	of Effort					
GRF 600413	Child Care	\$	83,461,739	\$	83,461,739	69262
	State/Maintenance of					
	Effort					
GRF 600450	Program Operations	\$	185,897,917	\$	187,002,077	69263
GRF 600502	Child Support - Local	\$	26,400,000	\$	26,400,000	69264
GRF 600521	Family Assistance -	\$	44,748,768	\$	44,748,768	69265
	Local					
GRF 600523	Family and Children	\$	212,194,327	\$	207,694,327	69266
	Services					

GRF 600528	Adoption Services	\$	23,922,517	\$	23,922,517	69267
GRF 600533	Child, Family, and Community Protection Services	\$	13,500,000	\$	13,500,000	69268
GRF 600534	Adult Protective Services	\$	5,720,000	\$	5,720,000	69269
GRF 600535	Early Care and Education	\$	141,285,241	\$	141,285,241	69270
GRF 600541	Kinship Permanency Incentive Program	\$	1,000,000	\$	1,000,000	69271
GRF 600551	Job and Family Services Program Support	\$	150,000	\$	150,000	69272
GRF 600553	Court Appointed Special Advocates	\$	1,000,000	\$	1,000,000	69273
GRF 655425	Medicaid Program Support	\$	12,461,768	\$	12,832,766	69274
GRF 655522	Medicaid Program Support - Local	\$	38,975,628	\$	38,975,628	69275
GRF 655523	Medicaid Program Support - Local Transportation	\$	43,530,000	\$	43,500,000	69276
TOTAL GRF	General Revenue Fund	\$	983,515,231	\$	980,460,389	69277
	Dedicated Purpose Fund Group					69278
1980 600647	Children's Trust Fund	\$	6,000,000	\$	6,000,000	69279
4A80 600658	Public Assistance Activities	\$	20,000,000	\$	20,000,000	69280
4A90 600607	Unemployment Compensation Administration Fund	\$	9,250,000	\$	9,250,000	69281
4E70 600604	Family and Children Services Collections	\$	650,000	\$	650,000	69282
4F10 600609	Family and Children Activities	\$	708,000	\$	708,000	69283

5CV1	600557	Coronavirus Relief - Foodbanks	\$	12,000,000	\$	0	69284
5DM0	600633	Audit Settlements and Contingency	\$	1,000,000	\$	1,000,000	69285
5ES0	600630	Food Bank Assistance	\$	500,000	\$	500,000	69286
5KT0	600696	Early Childhood Education	\$	20,000,000	\$	20,000,000	69287
5NG0	600660	Victims of Human Trafficking	\$	100,000	\$	100,000	69288
5RX0	600699	Workforce Development Projects	\$	300,000	\$	300,000	69289
5RY0	600698	Human Services Project	\$	21,000,000	\$	21,000,000	69290
5TZ0	600674	Childrens Crisis Care	\$	1,000,000	\$	1,000,000	69291
5U60	600663	Family and Children Support	\$	6,000,000	\$	6,262,000	69292
5VJ0	600600	Ohio Governor Imagination Library	\$	8,000,000	\$	8,000,000	69293
TOTAL DPF		Dedicated Purpose Fund Group	\$	106,508,000	\$	94,770,000	69294
		Internal Service Activity Fund Group					69295
5HL0	600602	State and County Shared Services	\$	2,000,000	\$	2,000,000	69296
TOTAL ISA		Internal Service Activity Fund Group	\$	2,000,000	\$	2,000,000	69297
		Fiduciary Fund Group					69298
1920	600646	Child Support Intercept - Federal	\$	100,000,000	\$	100,000,000	69299
5830	600642	Child Support Intercept - State	\$	13,000,000	\$	13,000,000	69300
5B60	600601	Food Assistance Intercept	\$	4,000,000	\$	4,000,000	69301

TOTAL FID Fiduciary Fund Group	\$	117,000,000	\$	117,000,000	69302
Holding Account Fund Group					69303
R012 600643 Refunds and Audit	\$	500,000	\$	500,000	69304
Settlements					
TOTAL HLD Holding Account Fund	\$	500,000	\$	500,000	69305
Group					
Federal Fund Group					69306
3270 600606 Child Welfare	\$	61,188,090	\$	42,487,257	69307
3310 600615 Veterans Programs	\$	7,000,000	\$	7,000,000	69308
3310 600624 Employment Services	\$	30,093,153	\$	28,792,564	69309
3310 600686 Workforce Programs	\$	4,000,000	\$	4,000,000	69310
3840 600610 Food Assistance	\$	210,395,858	\$	215,299,061	69311
Programs					
3850 600614 Refugee Services	\$	12,000,000	\$	12,000,000	69312
3950 600616 Federal Discretionary	\$	5,000,000	\$	5,000,000	69313
Grants					
3960 600620 Social Services Block	\$	42,000,000	\$	42,003,000	69314
Grant					
3970 600626 Child Support -	\$	200,506,379	\$	200,712,239	69315
Federal					
3980 600627 Adoption Program -	\$	178,734,641	\$	178,965,021	69316
Federal					
3D30 600648 Children's Trust Fund	\$	2,000,000	\$	2,000,000	69317
Federal					
3F01 655624 Medicaid Program	\$	215,301,139	\$	215,441,374	69318
Support - Federal					
3H70 600617 Child Care Federal	\$	480,500,000	\$	456,500,000	69319
3N00 600628 Foster Care Program -	\$	307,654,740	\$	308,344,774	69320
Federal					
3S50 600622 Child Support Projects	\$	534,050	\$	534,050	69321
3V00 600688 Workforce Innovation	\$	169,756,357	\$	165,743,862	69322
and Opportunity Act					

	Programs				
3V40 600632	Trade Programs	\$ 31,004,791	\$ 26,455,418		69323
3V40 600678	Federal Unemployment	\$ 160,536,498	\$ 156,864,218		69324
	Programs				
3V40 600679	Unemployment	\$ 6,183,602	\$ 6,281,852		69325
	Compensation Review				
	Commission - Federal				
3V60 600689	TANF Block Grant	\$ 961,819,158	\$ 1,025,474,447		69326
TOTAL FED	Federal Fund Group	\$ 3,086,208,456	\$ 3,099,899,137		69327
TOTAL ALL BUDGET	FUND GROUPS	\$ 4,295,731,687	\$ 4,294,629,526		69328

Section 307.20. COUNTY ADMINISTRATIVE FUNDS 69330

(A) The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs. 69331
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69333
69334

(B) The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 69335
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69338

(C) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 69339
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(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 69344
69345

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local. 69346
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69348

(D) If receipts credited to the Medicaid Program Support Fund 69349

(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 69350
(Fund 3840) exceed the amounts appropriated, the Director of Job 69351
and Family Services shall request the Director of Budget and 69352
Management to authorize expenditures from those funds in excess of 69353
the amounts appropriated. Upon approval of the Director of Budget 69354
and Management, the additional amounts are hereby appropriated. 69355

Section 307.30. NAME OF FOOD STAMP PROGRAM 69356

The Director of Job and Family Services is not required to 69357
amend rules regarding the Food Stamp Program to change the name of 69358
the program to the Supplemental Nutrition Assistance Program. The 69359
Director may refer to the program as the Food Stamp Program, the 69360
Supplemental Nutrition Assistance Program, or the Food Assistance 69361
Program in rules and documents of the Department of Job and Family 69362
Services. 69363

Section 307.40. OHIO ASSOCIATION OF FOOD BANKS 69364

Of the foregoing appropriation items 600410, TANF State 69365
Maintenance of Effort, 600658, Public Assistance Activities, and 69366
600689, TANF Block Grant, a total of up to \$22,050,000 in each 69367
fiscal year shall be used to provide funds to the Ohio Association 69368
of Food Banks to purchase and distribute food products, support 69369
Innovative Summer Meals programs for children, provide SNAP 69370
outreach and free tax filing services, and provide capacity 69371
building equipment for food pantries and soup kitchens. 69372

Notwithstanding section 5101.46 of the Revised Code and any 69373
other provision in this bill, the Director of Job and Family 69374
Services shall provide assistance from eligible funds to the Ohio 69375
Association of Food Banks in an amount not less than \$24,550,000 69376
in each fiscal year. This amount includes the funds designated to 69377
the Ohio Association of Food Banks in the first paragraph of this 69378
section. 69379

Eligible nonfederal expenditures made by member food banks of 69380
the Association shall be counted by the Department of Job and 69381
Family Services toward the TANF maintenance of effort requirements 69382
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 69383
shall enter into an agreement with the Ohio Association of Food 69384
Banks, in accordance with sections 5101.80 and 5101.801 of the 69385
Revised Code, to carry out the requirements under this section. 69386

Section 307.50. FOOD STAMPS TRANSFER 69387

On July 1, 2021, or as soon as possible thereafter, and upon 69388
request of the Director of Job and Family Services, the Director 69389
of Budget and Management may transfer up to \$1,000,000 cash from 69390
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 69391
the Food Assistance Fund (Fund 5ES0). 69392

Section 307.60. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 69393

The foregoing appropriation item 600658, Public Assistance 69394
Activities, shall be used by the Department of Job and Family 69395
Services to meet the TANF maintenance of effort requirements of 42 69396
U.S.C. 609(a)(7). When the state is assured that it will meet the 69397
maintenance of effort requirement, the Department of Job and 69398
Family Services may use funds from appropriation item 600658, 69399
Public Assistance Activities, to support public assistance 69400
activities. 69401

Section 307.70. TANF STATE MAINTENANCE OF EFFORT 69402

Of the foregoing appropriation item 600410, TANF State 69403
Maintenance of Effort, \$5,000,000 in each fiscal year shall be 69404
provided, in accordance with sections 5101.80 and 5101.801 of the 69405
Revised Code, to the Ohio Alliance of Boys and Girls Clubs to 69406
provide after-school and summer programs that protect at-risk 69407
children and enable youth to become responsible adults. Not less 69408

than \$150,000 in each fiscal year shall be provided to the Boys 69409
and Girls Club of Massillon. 69410

Section 307.80. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK 69411
GRANT 69412

Of the foregoing appropriation item 600689, TANF Block Grant, 69413
up to \$13,285,000 in each fiscal year shall be used, in accordance 69414
with sections 5101.80 and 5101.801 of the Revised Code, to provide 69415
support to programs or organizations that provide services that 69416
align with the mission and goals of the Governor's Office of 69417
Faith-Based and Community Initiatives, as outlined in section 69418
107.12 of the Revised Code, and that further at least one of the 69419
four purposes of the TANF program, as specified in 42 U.S.C. 601. 69420

Of the foregoing appropriation item 600689, TANF Block Grant, 69421
up to \$2,000,000 in each fiscal year shall be used, in accordance 69422
with sections 5101.80 and 5101.801 of the Revised Code, to support 69423
the Independent Living Initiative, including life skills training 69424
and work supports for older children in foster care and those who 69425
have recently aged out of foster care who meet TANF eligibility 69426
requirements. 69427

Of the foregoing appropriation item 600689, TANF Block Grant, 69428
\$3,000,000 in each fiscal year shall be used, in accordance with 69429
sections 5101.80 and 5101.801 of the Revised Code, to support the 69430
Ohio Parenting and Pregnancy Program. 69431

Of the foregoing appropriation item 600689, TANF Block Grant, 69432
up to \$2,500,000 in each fiscal year shall be provided, in 69433
accordance with sections 5101.80 and 5101.801 of the Revised Code, 69434
to the Ohio Commission on Fatherhood. 69435

Of the foregoing appropriation item 600689, TANF Block Grant, 69436
\$2,300,000 in each fiscal year shall be provided, in accordance 69437
with sections 5101.80 and 5101.801 of the Revised Code, to Open 69438

Doors Academy to support out-of-school programs in northeast Ohio, 69439
Lima, and to support up to four additional locations in the state. 69440

Of the foregoing appropriation item 600689, TANF Block Grant, 69441
up to \$1,000,000 in each fiscal year shall be provided, in 69442
accordance with sections 5101.80 and 5101.801 of the Revised Code, 69443
to the Ohio Children's Trust Fund. 69444

Of the foregoing appropriation item 600689, TANF Block Grant, 69445
\$1,175,000 in each fiscal year shall be provided, in accordance 69446
with sections 5101.80 and 5101.801 of the Revised Code, to the 69447
Children's Hunger Alliance to assist with meal sponsorship, early 69448
child care programs, child care, consultations and nutrition 69449
education, school district nutrition programs, after school 69450
nutrition programs, and summer nutrition programs. 69451

Of the foregoing appropriation item 600689, TANF Block Grant, 69452
\$1,000,000 in each fiscal year shall be provided, in accordance 69453
with sections 5101.80 and 5101.801 of the Revised Code, to the 69454
Waterford Institute to implement a pilot program for 69455
pre-kindergarten children. 69456

Of the foregoing appropriation item 600689, TANF Block Grant, 69457
\$1,000,000 in each fiscal year shall be provided, in accordance 69458
with sections 5101.80 and 5101.801 of the Revised Code, to Big 69459
Brothers Big Sisters of Central Ohio to provide mentoring services 69460
to children throughout the state who have experienced trauma in 69461
their lives, including parental incarceration. 69462

Of the foregoing appropriation item 600689, TANF Block Grant, 69463
\$750,000 in each fiscal year shall be provided, in accordance with 69464
sections 5101.80 and 5101.801 of the Revised Code, to the Ohio 69465
Council of YWCAs to support programs that prevent domestic 69466
violence, support victims of domestic violence, provide 69467
trauma-informed support for survivors, and support educational 69468
opportunities for at-risk youth. 69469

Of the foregoing appropriation item 600689, TANF Block Grant, 69470
\$500,000 in each fiscal year shall be used, in accordance with 69471
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 69472
YMCA day camps and before and after school programs to help 69473
students with learning loss and mental health due to the COVID-19 69474
pandemic. 69475

Of the foregoing appropriation item 600689, TANF Block Grant, 69476
\$250,000 in each fiscal year shall be provided, in accordance with 69477
sections 5101.80 and 5101.801 of the Revised Code, to the Sisters 69478
of Charity Foundation of Cleveland to support the A Place 4 Me 69479
youth homeless drop-in center. 69480

Of the foregoing appropriation item 600689, TANF Block Grant, 69481
\$250,000 in each fiscal year shall be provided, in accordance with 69482
sections 5101.80 and 5101.801 of the Revised Code, to Communities 69483
In Schools of Ohio to provide supports for at-risk youth for 69484
wraparound services, which directly impact chronic absenteeism and 69485
dropout rates. 69486

Of the foregoing appropriation item 600689, TANF Block Grant, 69487
\$250,000 in each fiscal year shall be provided, in accordance with 69488
sections 5101.80 and 5101.801 of the Revised Code, to Produce 69489
Perks Midwest. 69490

Of the foregoing appropriation item 600689, TANF Block Grant, 69491
\$200,000 in each fiscal year shall be provided, in accordance with 69492
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 69493
Works! Ohio in Dayton. 69494

Of the foregoing appropriation item 600689, TANF Block Grant, 69495
\$200,000 in each fiscal year shall be provided, in accordance with 69496
sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of 69497
Greater Cleveland's Early Learning Center to support the trauma 69498
informed preschool for homeless, low income, and at-risk preschool 69499
children. 69500

Of the foregoing appropriation item 600689, TANF Block Grant, 69501
\$150,000 in each fiscal year shall be provided, in accordance with 69502
sections 5101.80 and 5101.801 of the Revised Code, to University 69503
Circle Inc. in Cleveland to support the Circle Scholars and Circle 69504
Explorers program. 69505

Of the foregoing appropriation item 600689, TANF Block Grant, 69506
\$141,200 in each fiscal year shall be used, in accordance with 69507
sections 5101.80 and 5101.801 of the Revised Code, to support the 69508
Somali Community Link's housing assistance program. 69509

Of the foregoing appropriation item 600689, TANF Block Grant, 69510
\$110,000 in each fiscal year shall be provided, in accordance with 69511
sections 5101.80 and 5101.801 of the Revised Code, to support 69512
University Settlement family assistance programs in the 69513
Broadway-Slavic Village neighborhood of Cleveland. 69514

Section 307.81. KINSHIP CAREGIVER PROGRAM 69515

Of the foregoing appropriation item 600689, TANF Block Grant, 69516
\$10,000,000 in each fiscal year shall be used, in accordance with 69517
sections 5101.80 and 5101.801 of the Revised Code, to support 69518
kinship care. The Director of Job and Family Services shall 69519
allocate funds to county departments of job and family services by 69520
providing twelve per cent divided equally among all counties, 69521
forty-eight per cent in the ratio that the number of residents of 69522
the county under the age of eighteen bears to the total number of 69523
such persons residing in this state, and forty per cent in the 69524
ratio that the number of residents of the county with incomes 69525
under one hundred per cent of the federal poverty guideline bears 69526
to the total number of such persons in this state. Each public 69527
children services agency shall use these funds to provide 69528
reasonable and necessary relief of child caring functions so that 69529
kinship caregivers, as defined in section 5101.85 of the Revised 69530
Code, can provide and maintain a home for a child in place of a 69531

child's parents. When the public children services agency is 69532
designated under division (A) of section 5153.02 of the Revised 69533
Code, the county department of job and family services shall enter 69534
into a memorandum of understanding with the public children 69535
services agency authorizing the expenditure of funds for this 69536
purpose up to the amount of the allocation. 69537

Each county department of job and family services shall 69538
incorporate the kinship caregiver support program into its 69539
prevention, retention, and contingency plan. The program shall 69540
include a family stabilization service and a caregiving service. 69541
For the purpose of the stabilization service, each child living 69542
with a kinship caregiver shall constitute a prevention, retention, 69543
and contingency assistance group of one. Stabilization services 69544
shall be designed to transition the child into and maintain the 69545
child in the home of the kinship caregiver. For the purpose of the 69546
caregiving service, each assistance group shall include at least a 69547
child living with a kinship caregiver and the kinship caregiver. 69548

The Department of Job and Family Services may adopt rules in 69549
accordance with Chapter 119. of the Revised Code as necessary to 69550
carry out the purposes of this section. 69551

If funding is no longer available, the kinship caregiver 69552
support program in this section shall end and any county 69553
department of job and family services or public children services 69554
agency shall not be held responsible for payment of services. 69555

Section 307.90. FAMILY AND CHILDREN SERVICES 69556

Of the foregoing appropriation item 600523, Family and 69557
Children Services, up to \$3,200,000 in each fiscal year shall be 69558
used to match eligible federal Title IV-B ESSA funds and federal 69559
Title IV-E Chafee funds allocated to public children services 69560
agencies. 69561

Of the foregoing appropriation item 600523, Family and Children Services, up to \$25,000,000 in each fiscal year shall be provided to assist with the expense of providing services to youth requiring support from multiple systems. These funds may be used for youth currently in the custody of a public children services agency or to prevent children from entering into the custody of a public children services agency by custody relinquishment or another mechanism. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item 600523, Family and Children Services, up to \$5,000,000 in each fiscal year may be used for staffing for foster parent recruitment, engagement, and support; and up to \$5,000,000 in each fiscal year may be used to strengthen best practices. The Director of Job and Family Services shall adopt rules in accordance with section 111.15 of the Revised Code to administer the funding.

Of the foregoing appropriation item, 600523, Family and Children Services, up to \$110,040,010 in each fiscal year shall be provided to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2022 and fiscal year 2023 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

The Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine

the amount of local funds each county must contribute to the 69594
children services fund based on past contributions. Rules must 69595
include a hardship provision identifying circumstances in which 69596
the county contribution may be waived or reduced. 69597

Section 307.100. KINSHIP CARE NAVIGATOR PROGRAM 69598

Of the foregoing appropriation item 600523, Family and 69599
Children Services, up to \$8,500,000 in each fiscal year shall be 69600
used to support the Kinship Care Navigator Program, and may be 69601
used to match eligible federal Title IV-E funds. 69602

Section 307.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 69603

In collaboration with the county family and children first 69604
council, a county department of job and family services or public 69605
children services agency that receives an allocation from the 69606
Department of Job and Family Services from the foregoing 69607
appropriation item 600523, Family and Children Services, or 69608
600533, Child, Family, and Community Protection Services, may 69609
transfer a portion of either or both allocations to a flexible 69610
funding pool as authorized by the section of this act titled 69611
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 69612

Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION 69613
SERVICES 69614

(A) The foregoing appropriation item 600533, Child, Family, 69615
and Community Protection Services, shall be distributed to county 69616
departments of job and family services. County departments shall 69617
use the funds distributed to them under this section as follows, 69618
in accordance with the written plan of cooperation entered into 69619
under section 307.983 of the Revised Code: 69620

(1) To assist individuals in achieving or maintaining 69621
self-sufficiency, including by reducing or preventing dependency 69622

among individuals with family income not exceeding two hundred per 69623
cent of the federal poverty guidelines; 69624

(2) Subject to division (B) of this section, to respond to 69625
reports of abuse, neglect, or exploitation of children and adults, 69626
including through the differential response approach program; 69627

(3) To provide outreach and referral services regarding home 69628
and community-based services to individuals at risk of placement 69629
in a group home or institution, regardless of the individuals' 69630
family income and without need for a written application; 69631

(4) To provide outreach, referral, application assistance, 69632
and other services to assist individuals to receive assistance, 69633
benefits, or services under Medicaid; Title IV-A programs, as 69634
defined in section 5101.80 of the Revised Code; the Supplemental 69635
Nutrition Assistance Program; and other public assistance 69636
programs. 69637

(B) Protective services may be provided to a child or adult 69638
as part of a response, under division (A)(2) of this section, to a 69639
report of abuse, neglect, or exploitation without regard to a 69640
child or adult's family income and without need for a written 69641
application. The protective services may be provided if the case 69642
record documents circumstances of actual or potential abuse, 69643
neglect, or exploitation. 69644

Section 307.130. ADULT PROTECTIVE SERVICES 69645

The foregoing appropriation item 600534, Adult Protective 69646
Services, shall be divided equally among the counties. 69647

Section 307.140. FAMILY AND CHILDREN ACTIVITIES 69648

The foregoing appropriation item 600609, Family and Children 69649
Activities, shall be used to expend miscellaneous foundation funds 69650
and grants to support family and children services activities. 69651

Section 307.145. JOB AND FAMILY SERVICES PROGRAM SUPPORT 69652

Of the foregoing appropriation item 600551, Job and Family 69653
Services Program Support, \$150,000 in each fiscal year shall be 69654
provided to Men's Challenge in Stark County. 69655

Section 307.150. COURT APPOINTED SPECIAL ADVOCATES 69656

Of the foregoing appropriation item 600553, Court Appointed 69657
Special Advocates, up to \$333,333 in each fiscal year shall be 69658
used to support administrative costs associated with existing 69659
court-appointed special advocate programs. 69660

Of the foregoing appropriation item 600553, Court Appointed 69661
Special Advocates, up to \$666,667 in each fiscal year shall be 69662
used to establish court-appointed special advocate programs in 69663
areas of the state that are not served by an existing program and 69664
to support existing programs. 69665

Of the foregoing appropriation item 600616, Federal 69666
Discretionary Grants, up to \$800,000 in each fiscal year shall be 69667
used for the training of guardians ad litem and court-appointed 69668
special advocates as well as to conduct a study to demonstrate the 69669
impact of court-appointed special advocate volunteers on outcomes 69670
for children who are in child welfare custody as a result of 69671
abuse, neglect, or dependency. 69672

Section 307.160. WENDY'S WONDERFUL KIDS 69673

Of the foregoing appropriation items 600450, Program 69674
Operations, 600627, Adoption Program - Federal, 600606, Child 69675
Welfare, a total of up to \$12,000,000 in each fiscal year may be 69676
used to provide funds to the Dave Thomas Foundation for Adoption 69677
to implement statewide the Wendy's Wonderful Kids program of 69678
professional recruiters who use a child-focused model to find 69679
permanent homes for children in Ohio foster care. 69680

Section 307.170. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 69681

Notwithstanding section 5101.073 of the Revised Code, the 69682
ODJFS Audit Settlements and Contingency Fund (Fund 5DM0) may also 69683
consist of earned federal revenue the final disposition of which 69684
is unknown. 69685

On July 1 of each fiscal year, or as soon as possible 69686
thereafter, and upon request of the Director of Job and Family 69687
Services, the Director of Budget and Management may transfer up to 69688
\$21,000,000 cash from the ODJFS Audit Settlements and Contingency 69689
Fund (Fund 5DM0), to the Human Services Projects Fund (Fund 5RY0). 69690

Section 307.180. ADOPTION ASSISTANCE LOAN 69691

The Department of Job and Family Services may use the State 69692
Adoption Assistance Loan Fund (Fund 5DP0) for the administration 69693
of adoption assistance loans pursuant to section 3107.018 of the 69694
Revised Code. The amounts of any adoption assistance loans are 69695
hereby appropriated. 69696

Section 307.190. EARLY CHILDHOOD EDUCATION 69697

Of the foregoing appropriation item 600696, Early Childhood 69698
Education, up to \$20,000,000 in each fiscal year shall be used to 69699
achieve the goals described in division (C) of section 5104.29 of 69700
the Revised Code. The funds shall be used to support early 69701
learning and development programs operating in smaller 69702
communities, early learning and development programs that are 69703
rated in the Step Up to Quality program at the third highest tier 69704
or higher, or both. 69705

Section 307.200. VICTIMS OF HUMAN TRAFFICKING 69706

The foregoing appropriation item 600660, Victims of Human 69707
Trafficking, shall be used to provide treatment, care, 69708

rehabilitation, education, housing, and assistance for victims of 69709
trafficking in persons as specified in section 5101.87 of the 69710
Revised Code. 69711

If receipts credited to the Victims of Human Trafficking Fund 69712
(Fund 5NG0) exceed the amounts appropriated to the fund, the 69713
Director of Job and Family Services may request the Director of 69714
Budget and Management to authorize expenditures from the fund in 69715
excess of the amounts appropriated. Upon the approval of the 69716
Director of Budget and Management, the additional amounts are 69717
hereby appropriated. 69718

Section 307.210. CHILDRENS CRISIS CARE 69719

The foregoing appropriation item 600674, Childrens Crisis 69720
Care, shall be allocated by the Department of Job and Family 69721
Services in each fiscal year to children's crisis care facilities 69722
as defined in section 5103.13 of the Revised Code. The Director of 69723
Job and Family Services shall allocate funds in each fiscal year 69724
based on the total length of stay or days of care for each child 69725
residing in the facility, which is determined by calculating the 69726
total days each child resides at the crisis care facility, 69727
including the date of admission, but not the day of discharge. A 69728
children's crisis care facility may decline to receive funds 69729
provided under this section. A children's crisis care facility 69730
that accepts funds provided under this section shall use the funds 69731
in accordance with section 5103.13 of the Revised Code and the 69732
rules as defined in rule 5101:2-9-36 of the Administrative Code. 69733

Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 69734

The Fiduciary Fund Group and Holding Account Fund Group shall 69735
be used to hold revenues until the appropriate fund is determined 69736
or until the revenues are directed to the appropriate governmental 69737
agency other than the Department of Job and Family Services. Any 69738

Department of Job and Family Services refunds or reconciliations 69739
received or held by the Department of Medicaid shall be 69740
transferred or credited to the Refunds and Audit Settlement Fund 69741
(Fund R012). If receipts credited to the Support Intercept - 69742
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 69743
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 69744
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 69745
from the fund, the Director of Job and Family Services may request 69746
the Director of Budget and Management to authorize expenditures 69747
from the fund in excess of the amounts appropriated. Upon the 69748
approval of the Director of Budget and Management, the additional 69749
amounts are hereby appropriated. 69750

Section 307.230. FEDERAL UNEMPLOYMENT PROGRAMS 69751

A portion of the foregoing appropriation item 600678, Federal 69752
Unemployment Programs, shall be provided in accordance with 69753
sections 4141.162 and 4141.35 of the Revised Code to administer 69754
fraud identification and prevention efforts in the unemployment 69755
program. 69756

Section 307.240. UNEMPLOYMENT INSURANCE PROGRAM IMPROVEMENT 69757

To improve customer service and program integrity within the 69758
Unemployment Insurance Program, the Department of Job and Family 69759
Services shall integrate specific system enhancements to 69760
streamline claims processing, enhance adjudication methodology 69761
where appropriate, and secure and implement a new cloud-based tax 69762
and benefits system to replace outdated technology. 69763

Section 307.250. (A) Not later than thirty days after the 69764
effective date of this section, the Speaker of the House of 69765
Representatives and the Senate President shall direct a 69766
subcommittee or standing committee from each chamber of the 134th 69767
General Assembly to evaluate all of the following regarding both 69768

publicly funded child care, as described in section 5104.30 of the Revised Code, and the Step Up to Quality Program, as created by section 5104.29 of the Revised Code:

(1) The number of children and families receiving publicly funded child care;

(2) The number of early learning and development programs, as defined in section 5104.29 of the Revised Code, participating in the Step Up to Quality Program administered by the Ohio Department of Job and Family Services and providing publicly funded child care;

(3) Funding sources for both publicly funded child care and the Step Up to Quality Program;

(4) The long-term sustainability of those funding sources;

(5) Eligibility levels for publicly funded child care, including the levels at which families may lose their eligibility;

(6) Issues regarding access to publicly funded child care and quality-rated early learning and development programs;

(7) The impact and feasibility of the requirement described in division (G)(1) of section 5104.29 of the Revised Code, mandating that one hundred per cent of early learning and development programs providing publicly funded child care be rated in Step Up to Quality's third tier or higher by June 30, 2025.

(B) The subcommittees or standing committees described in division (A) of this section shall be those primarily responsible for considering matters related to child care and family services.

(C)(1) To evaluate the issues described in division (A) of this section, each committee described in division (B) of this section shall hold hearings to receive the testimony from the public and relevant state agencies and boards.

(2) The committee's chairperson may request the Director of the Ohio Department of Job and Family Services or any employee appointed by the Director to appear before the committee and testify to relevant matters.

(3) Each committee directed to hold hearings may issue a report of its findings and recommendations.

(4) The staff of the Legislative Service Commission shall provide services to each committee performing its duties under this section.

(D) This section expires on the adjournment of the 134th General Assembly.

Section 309.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW

General Revenue Fund

GRF 029321	Operating Expenses	\$	570,000	\$	570,000	
TOTAL GRF	General Revenue Fund	\$	570,000	\$	570,000	
TOTAL ALL BUDGET FUND GROUPS		\$	570,000	\$	570,000	

OPERATING GUIDANCE

The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.

OPERATING EXPENSES

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2022 to be reappropriated to fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

Section 313.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE

General Revenue Fund				69837	
GRF 048321 Operating Expenses	\$	371,848	\$	575,083	69838
TOTAL GRF General Revenue Fund	\$	371,848	\$	575,083	69839
TOTAL ALL BUDGET FUND GROUPS	\$	371,848	\$	575,083	69840

OPERATING EXPENSES 69841

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code.

On July 1, 2021, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of fiscal year 2021 to be reappropriated to fiscal year 2022. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2022.

On July 1, 2022, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 048321, Operating Expenses, at the end of

fiscal year 2022 to be reappropriated to fiscal year 2023. The 69858
amount certified is hereby reappropriated to the same 69859
appropriation item for fiscal year 2023. 69860

Section 315.10. JCO JUDICIAL CONFERENCE OF OHIO 69861

General Revenue Fund 69862

GRF 018321 Operating Expenses \$ 1,046,464 \$ 1,083,265 69863

TOTAL GRF General Revenue Fund \$ 1,046,464 \$ 1,083,265 69864

Dedicated Purpose Fund Group 69865

4030 018601 Ohio Jury \$ 531,471 \$ 540,421 69866

Instructions

TOTAL DPF Dedicated Purpose Fund \$ 531,471 \$ 540,421 69867

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,577,935 \$ 1,623,686 69868

STATE COUNCIL OF UNIFORM STATE LAWS 69869

Notwithstanding section 105.26 of the Revised Code, of the 69870
foregoing appropriation item 018321, Operating Expenses, up to 69871
\$96,305 in fiscal year 2022 and up to \$99,194 in fiscal year 2023 69872
shall be used to pay the expenses of the State Council of Uniform 69873
State Laws, including membership dues to the National Conference 69874
of Commissioners on Uniform State Laws. 69875

OHIO JURY INSTRUCTIONS FUND 69876

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 69877
grants, royalties, dues, conference fees, bequests, devises, and 69878
other gifts received for the purpose of supporting costs incurred 69879
by the Judicial Conference of Ohio in its activities as a part of 69880
the judicial system of the state as determined by the Judicial 69881
Conference Executive Committee. Fund 4030 shall be used by the 69882
Judicial Conference of Ohio to pay expenses incurred in its 69883
activities as a part of the judicial system of the state as 69884
determined by the Judicial Conference Executive Committee. All 69885

moneys accruing to Fund 4030 in excess of the amount appropriated 69886
for the current fiscal year are hereby appropriated for the 69887
purposes authorized. No money in Fund 4030 shall be transferred to 69888
any other fund by the Director of Budget and Management or the 69889
Controlling Board. 69890

Section 317.10. JSC THE JUDICIARY/SUPREME COURT 69891

General Revenue Fund 69892

GRF 005321 Operating Expenses - \$ 185,879,257 \$ 190,389,942 69893
Judiciary/Supreme
Court

GRF 005401 State Criminal \$ 1,346,891 \$ 1,438,123 69894
Sentencing Commission

GRF 005406 Law-Related Education \$ 200,000 \$ 200,000 69895

GRF 005409 Ohio Courts \$ 3,829,540 \$ 3,843,940 69896
Technology Initiative

TOTAL GRF General Revenue Fund \$ 191,255,688 \$ 195,872,005 69897

Dedicated Purpose Fund Group 69898

4C80 005605 Attorney Services \$ 11,015,310 \$ 10,979,027 69899

5HT0 005617 Court Interpreter \$ 7,000 \$ 7,000 69900
Certification

5SP0 005626 Civil Justice Grant \$ 350,000 \$ 350,000 69901
Program

5T80 005609 Grants and Awards \$ 5,000 \$ 5,000 69902

6720 005601 Judiciary/Supreme \$ 105,000 \$ 105,000 69903
Court Education

TOTAL DPF Dedicated Purpose Fund \$ 11,482,310 \$ 11,446,027 69904
Group

Fiduciary Fund Group 69905

5JY0 005620 County Law Library \$ 308,000 \$ 323,500 69906
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 308,000 \$ 323,500 69907

Federal Fund Group				69908	
3J00 005603 Federal Grants	\$	1,155,203	\$	1,026,530	69909
TOTAL FED Federal Fund Group	\$	1,155,203	\$	1,026,530	69910
TOTAL ALL BUDGET FUND GROUPS	\$	204,201,201	\$	208,668,062	69911

Section 317.20. STATE CRIMINAL SENTENCING COMMISSION 69913

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 69914
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LAW-RELATED EDUCATION 69918

The foregoing appropriation item 005406, Law-Related Education, shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 69919
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OHIO COURTS TECHNOLOGY INITIATIVE 69926

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training programs for judges and court personnel, and operation of the Commission on Technology and the Courts by the Supreme Court for the promulgation of statewide rules, policies, and uniform standards, and to aid in the orderly adoption and comprehensive 69927
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use of technology in Ohio courts. 69939

ATTORNEY SERVICES 69940

The Attorney Registration Fund (Fund 4C80) shall consist of 69941
money received by the Supreme Court (The Judiciary) pursuant to 69942
the Rules for the Government of the Bar of Ohio. In addition to 69943
funding other activities considered appropriate by the Supreme 69944
Court, the foregoing appropriation item 005605, Attorney Services, 69945
may be used to compensate employees and to fund appropriate 69946
activities of the following offices established by the Supreme 69947
Court: the Office of Disciplinary Counsel, the Board of 69948
Commissioners on Grievances and Discipline, the Clients' Security 69949
Fund, and the Attorney Services Division which include the Office 69950
of Bar Admissions. If it is determined by the Administrative 69951
Director of the Supreme Court that changes to the appropriation 69952
are necessary, the amounts are hereby appropriated. 69953

No money in Fund 4C80 shall be transferred to any other fund 69954
by the Director of Budget and Management or the Controlling Board. 69955
Interest earned on money in Fund 4C80 shall be credited to the 69956
fund. 69957

COURT INTERPRETER CERTIFICATION 69958

The Court Interpreter Certification Fund (Fund 5HT0) shall 69959
consist of money received by the Supreme Court (The Judiciary) 69960
pursuant to Rules 80 through 87 of the Rules of Superintendence 69961
for the Courts of Ohio. The foregoing appropriation item 005617, 69962
Court Interpreter Certification, shall be used to provide 69963
training, to provide the written examination, and to pay language 69964
experts to rate, or grade, the oral examinations of those applying 69965
to become certified court interpreters. If it is determined by the 69966
Administrative Director of the Supreme Court that changes to the 69967
appropriation are necessary, the amounts are hereby appropriated. 69968

No money in Fund 5HT0 shall be transferred to any other fund 69969

by the Director of Budget and Management or the Controlling Board. 69970
Interest earned on money in Fund 5HT0 shall be credited to the 69971
fund. 69972

CIVIL JUSTICE GRANT PROGRAM 69973

The Civil Justice Program Fund (Fund 5SP0) shall consist of 69974
(1) \$50 voluntary donations made as part of the biennium attorney 69975
registration process and (2) \$150 increase in the pro hac vice 69976
fees for out-of-state attorneys pursuant to Government of the Bar 69977
Rule amendments. The foregoing appropriation item 005626, Civil 69978
Justice Grant Program, shall be used by the Supreme Court of Ohio 69979
for grants to not-for-profit organizations and agencies dedicated 69980
to providing civil legal aid to underserved populations, to fund 69981
innovative programs directed at this purpose, and to increase 69982
access to judicial service to that population. If it is determined 69983
by the Administrative Director of the Supreme Court that changes 69984
to the appropriation are necessary, the amounts are hereby 69985
appropriated. 69986

No money in Fund 5SP0 shall be transferred to any other fund 69987
by the Director of Budget and Management or the Controlling Board. 69988
Interest earned on money in Fund 5SP0 shall be credited to the 69989
fund. 69990

GRANTS AND AWARDS 69991

The Grants and Awards Fund (Fund 5T80) shall consist of 69992
grants and other money awarded to the Supreme Court (The 69993
Judiciary) by the State Justice Institute, the Division of 69994
Criminal Justice Services, or other entities. The foregoing 69995
appropriation item 005609, Grants and Awards, shall be used in a 69996
manner consistent with the purpose of the grant or award. If it is 69997
determined by the Administrative Director of the Supreme Court 69998
that changes to the appropriation are necessary, the amounts are 69999
hereby appropriated. 70000

No money in Fund 5T80 shall be transferred to any other fund 70001
by the Director of Budget and Management or the Controlling Board. 70002
Interest earned on money in Fund 5T80 shall be credited or 70003
transferred to the General Revenue Fund. 70004

JUDICIARY/SUPREME COURT EDUCATION 70005

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 70006
consist of fees paid for attending judicial and public education 70007
on the law, reimbursement of costs for judicial and public 70008
education on the law, and other gifts and grants received for the 70009
purpose of judicial and public education on the law. The foregoing 70010
appropriation item 005601, Judiciary/Supreme Court Education, 70011
shall be used to pay expenses for judicial education courses for 70012
judges, court personnel, and those who serve the courts, and for 70013
public education on the law. If it is determined by the 70014
Administrative Director of the Supreme Court that changes to the 70015
appropriation are necessary, the amounts are hereby appropriated. 70016

No money in Fund 6720 shall be transferred to any other fund 70017
by the Director of Budget and Management or the Controlling Board. 70018
Interest earned on money in Fund 6720 shall be credited to the 70019
fund. 70020

COUNTY LAW LIBRARY RESOURCES BOARDS 70021

The Statewide Consortium of County Law Library Resources 70022
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 70023
to section 307.515 of the Revised Code into a county's law library 70024
resources fund and forwarded by that county's treasurer for 70025
deposit in the state treasury pursuant to division (E)(1) of 70026
section 3375.481 of the Revised Code. The foregoing appropriation 70027
item 005620, County Law Library Resources Boards, shall be used 70028
for the operation of the Statewide Consortium of County Law 70029
Library Resources Boards. If it is determined by the 70030
Administrative Director of the Supreme Court that changes to the 70031

appropriation are necessary, the amounts are hereby appropriated. 70032

No money in Fund 5JY0 shall be transferred to any other fund 70033
 by the Director of Budget and Management or the Controlling Board. 70034
 Interest earned on money in Fund 5JY0 shall be credited to the 70035
 fund. 70036

FEDERAL GRANTS 70037

The Federal Grants Fund (Fund 3J00) shall consist of grants 70038
 and other moneys awarded to the Supreme Court (The Judiciary) by 70039
 the United States Government or other entities that receive the 70040
 moneys directly from the United States Government and distribute 70041
 those moneys to the Supreme Court (The Judiciary). The foregoing 70042
 appropriation item 005603, Federal Grants, shall be used in a 70043
 manner consistent with the purpose of the grant or award. If it is 70044
 determined by the Administrative Director of the Supreme Court 70045
 that changes to the appropriation are necessary, the amounts are 70046
 hereby appropriated. 70047

No money in Fund 3J00 shall be transferred to any other fund 70048
 by the Director of Budget and Management or the Controlling Board. 70049
 However, interest earned on money in Fund 3J00 shall be credited 70050
 or transferred to the General Revenue Fund. 70051

Section 319.10. LEC LAKE ERIE COMMISSION 70052

Dedicated Purpose Fund Group 70053

4C00 780601	Lake Erie Protection	\$	699,000	\$	699,000	70054
6H20 780604	H2Ohio	\$	125,000	\$	125,000	70055
TOTAL DPF	Dedicated Purpose Fund	\$	824,000	\$	824,000	70056

Group

Federal Fund Group 70057

3EP0 780603	LEC Federal Grants	\$	50,000	\$	50,000	70058
TOTAL FED	Federal Fund Group	\$	50,000	\$	50,000	70059
TOTAL ALL BUDGET FUND GROUPS		\$	874,000	\$	874,000	70060

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 70061

On July 1 of each fiscal year, or as soon as possible 70062
thereafter, and upon approval by the Controlling Board, the 70063
Director of Budget and Management may transfer cash from the funds 70064
specified below, up to the amounts specified below, to the Lake 70065
Erie Protection Fund (Fund 4C00). Fund 4C00 may accept 70066
contributions and transfers made to the fund. 70067

Fund	Fund Name	User	FY 2022	FY 2023	
5BC0	Environmental Protection	Environmental Protection Agency	\$25,000	\$25,000	70068 70069
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$25,000	\$25,000	70070
4700	General Operations	Department of Health	\$25,000	\$25,000	70071
1570	Program Support	Department of Natural Resources	\$25,000	\$25,000	70072

On July 1, 2021, or as soon as possible thereafter, and upon 70073
approval by the Controlling Board, the Director of Budget and 70074
Management may transfer \$25,000 cash from a fund used by the 70075
Development Services Agency, as specified by the Director of 70076
Development Services, to Fund 4C00. 70077

On July 1, 2022, or as soon as possible thereafter, and upon 70078
approval by the Controlling Board, the Director of Budget and 70079
Management may transfer \$25,000 cash from a fund used by the 70080
Development Services Agency, as specified by the Director of 70081
Development Services, to Fund 4C00. 70082

On July 1, 2021, or as soon as possible thereafter, and upon 70083
approval by the Controlling Board, the Director of Budget and 70084
Management may transfer \$25,000 cash from a fund used by the 70085
Department of Transportation, as specified by the Director of 70086
Transportation, to Fund 4C00. 70087

On July 1, 2022, or as soon as possible thereafter, and upon approval by the Controlling Board, the Director of Budget and Management may transfer \$25,000 cash from a fund used by the Department of Transportation, as specified by the Director of Transportation, to Fund 4C00.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of the Lake Erie Commission may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 780604, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

Section 321.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund

GRF 028321	Legislative Ethics	\$	625,000	\$	625,000	70103
	Committee					

TOTAL GRF	General Revenue Fund	\$	625,000	\$	625,000	70104
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Dedicated Purpose Fund Group

4G70 028601	Joint Legislative	\$	150,000	\$	150,000	70106
	Ethics Committee					

5HN0 028602	Investigations and	\$	10,000	\$	10,000	70107
	Financial Disclosure					

TOTAL DPF	Dedicated Purpose Fund	\$	160,000	\$	160,000	70108
	Group					

TOTAL ALL BUDGET FUND GROUPS		\$	785,000	\$	785,000	70109
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LEGISLATIVE ETHICS COMMITTEE

On July 1, 2021, or as soon as possible thereafter, the Legislative Inspector General of the Joint Legislative Ethics Committee may certify to the Director of Budget and Management an

amount up to the unexpended, unencumbered balance of the foregoing 70114
 appropriation item 028321, Legislative Ethics Committee, at the 70115
 end of fiscal year 2021 to be reappropriated to fiscal year 2022. 70116
 The amount certified is hereby reappropriated to the same 70117
 appropriation item for fiscal year 2022. 70118

On July 1, 2022, or as soon as possible thereafter, the 70119
 Legislative Inspector General of the Joint Legislative Ethics 70120
 Committee may certify to the Director of Budget and Management an 70121
 amount up to the unexpended, unencumbered balance of the foregoing 70122
 appropriation item 028321, Legislative Ethics Committee, at the 70123
 end of fiscal year 2022 to be reappropriated to fiscal year 2023. 70124
 The amount certified is hereby reappropriated to the same 70125
 appropriation item for fiscal year 2023. 70126

Section 323.10. LSC LEGISLATIVE SERVICE COMMISSION 70127

General Revenue Fund 70128

GRF	035321	Operating Expenses	\$	21,368,380	\$	21,368,380	70129
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GRF	035402	Legislative Fellows	\$	1,080,000	\$	1,080,000	70130
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GRF	035405	Correctional	\$	447,020	\$	447,020	70131
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Institution Inspection
 Committee

GRF	035407	Legislative Task Force	\$	1,000,000	\$	0	70132
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on Redistricting

GRF	035409	National Associations	\$	600,000	\$	600,000	70133
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GRF	035410	Legislative	\$	11,033,890	\$	11,033,890	70134
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Information Systems

GRF	035501	Litigation	\$	1,000,000	\$	1,000,000	70135
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TOTAL GRF	General Revenue Fund	\$	36,529,290	\$	35,529,290	70136
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Dedicated Purpose Fund Group 70137

4100	035601	Sale of Publications	\$	10,000	\$	10,000	70138
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TOTAL DPF	Dedicated Purpose Fund	\$	10,000	\$	10,000	70139
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Group

Redistricting, at the end of fiscal year 2022 is hereby 70171
reappropriated to the Legislative Service Commission for the same 70172
purpose for fiscal year 2023. 70173

LEGISLATIVE INFORMATION SYSTEMS 70174

On July 1, 2021, or as soon as possible thereafter, the 70175
Director of the Legislative Service Commission may certify to the 70176
Director of Budget and Management an amount up to the unexpended, 70177
unencumbered balance of the foregoing appropriation item 035410, 70178
Legislative Information Systems, at the end of fiscal year 2021 to 70179
be reappropriated to fiscal year 2022. The amount certified is 70180
hereby reappropriated to the same appropriation item for fiscal 70181
year 2022. 70182

On July 1, 2022, or as soon as possible thereafter, the 70183
Director of the Legislative Service Commission may certify to the 70184
Director of Budget and Management an amount up to the unexpended, 70185
unencumbered balance of the foregoing appropriation item 035410, 70186
Legislative Information Systems, at the end of fiscal year 2022 to 70187
be reappropriated to fiscal year 2023. The amount certified is 70188
hereby reappropriated to the same appropriation item for fiscal 70189
year 2023. 70190

LITIGATION 70191

The foregoing appropriation item 035501, Litigation, shall be 70192
used for any lawsuit in which the General Assembly is a party 70193
because a legal or constitutional challenge is made against the 70194
Ohio Constitution or an act of the General Assembly. The 70195
chairperson and vice-chairperson of the Legislative Service 70196
Commission shall both approve the use of the appropriated moneys. 70197

An amount equal to the unexpended, unencumbered balance of 70198
the foregoing appropriation item 035501, Litigation, at the end of 70199
fiscal year 2021 is hereby reappropriated to the Legislative 70200
Service Commission for the same purpose for fiscal year 2022. 70201

An amount equal to the unexpended, unencumbered balance of 70202
the foregoing appropriation item 035501, Litigation, at the end of 70203
fiscal year 2022 is hereby reappropriated to the Legislative 70204
Service Commission for the same purpose for fiscal year 2023. 70205

Section 325.10. LIB STATE LIBRARY BOARD 70206

General Revenue Fund 70207

GRF 350321 Operating Expenses \$ 4,293,122 \$ 4,293,122 70208

GRF 350401 Ohioana Library \$ 305,000 \$ 305,000 70209

Association

GRF 350502 Regional Library \$ 480,000 \$ 480,000 70210

Systems

TOTAL GRF General Revenue Fund \$ 5,078,122 \$ 5,078,122 70211

Dedicated Purpose Fund Group 70212

4590 350603 Services for \$ 4,252,887 \$ 4,252,887 70213

Libraries

4S40 350604 Ohio Public Library \$ 5,696,898 \$ 5,698,898 70214

Information Network

5GB0 350605 Library for the Blind \$ 1,274,194 \$ 1,274,194 70215

TOTAL DPF Dedicated Purpose Fund \$ 11,223,979 \$ 11,225,979 70216

Group

Internal Service Activity Fund 70217

1390 350602 Services for State \$ 8,000 \$ 8,000 70218

Agencies

TOTAL ISA Internal Service Activity \$ 8,000 \$ 8,000 70219

Fund Group

Federal Fund Group 70220

3130 350601 LSTA Federal \$ 5,366,565 \$ 5,366,565 70221

TOTAL FED Federal Fund Group \$ 5,366,565 \$ 5,366,565 70222

TOTAL ALL BUDGET FUND GROUPS \$ 21,676,666 \$ 21,678,666 70223

Section 325.20. OHIOANA LIBRARY ASSOCIATION 70225

Of the foregoing appropriation item 350401, Ohioana Library Association, \$180,000 in each fiscal year shall be used to support the operating expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

The remainder of the foregoing appropriation item 350401, Ohioana Library Association, shall be used to pay the rental expenses of the Martha Kinney Cooper Ohioana Library Association under section 3375.61 of the Revised Code.

REGIONAL LIBRARY SYSTEMS 70234

The foregoing appropriation item 350502, Regional Library Systems, shall be used to support regional library systems eligible for funding under sections 3375.83 and 3375.90 of the Revised Code.

OHIO PUBLIC LIBRARY INFORMATION NETWORK 70239

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such

improper usage as well as information on technological, legal, and 70257
law enforcement trends nationally and internationally affecting 70258
this area of public access and service. 70259

(C) The Ohio Public Library Information Network, INFOhio, and 70260
OhioLINK shall, to the extent feasible, coordinate and cooperate 70261
in their purchase or other acquisition of the use of electronic 70262
databases for their respective users and shall contribute funds in 70263
an equitable manner to such effort. 70264

LIBRARY FOR THE BLIND 70265

The foregoing appropriation item 350605, Library for the 70266
Blind, shall be used for the statewide Talking Book Program to 70267
assist the blind and disabled. 70268

TRANSFER TO OPLIN TECHNOLOGY FUND 70269

Notwithstanding sections 5747.03 and 5747.47 of the Revised 70270
Code and any other provision of law to the contrary, in accordance 70271
with a schedule established by the Director of Budget and 70272
Management, the Director of Budget and Management shall transfer 70273
\$3,689,788 cash in each fiscal year from the Public Library Fund 70274
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 70275

TRANSFER TO LIBRARY FOR THE BLIND FUND 70276

Notwithstanding sections 5747.03 and 5747.47 of the Revised 70277
Code and any other provision of law to the contrary, in accordance 70278
with a schedule established by the Director of Budget and 70279
Management, the Director of Budget and Management shall transfer 70280
\$1,274,194 cash in each fiscal year from the Public Library Fund 70281
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 70282

Section 327.10. LCO LIQUOR CONTROL COMMISSION 70283

Dedicated Purpose Fund Group 70284

5LP0 970601 Commission Operating \$ 944,885 \$ 947,645 70285

Expenses

TOTAL DPF Dedicated Purpose Fund Group	\$	944,885	\$	947,645	70286
TOTAL ALL BUDGET FUND GROUPS	\$	944,885	\$	947,645	70287

Section 329.10. LOT STATE LOTTERY COMMISSION 70289

State Lottery Fund Group					70290
7044 950321 Operating Expenses	\$	57,344,482	\$	58,581,656	70291
7044 950402 Advertising Contracts	\$	27,925,000	\$	27,925,000	70292
7044 950403 Gaming Contracts	\$	84,082,171	\$	90,357,570	70293
7044 950601 Direct Prize Payments	\$	158,700,369	\$	162,809,344	70294
7044 950605 Problem Gambling	\$	4,000,000	\$	4,000,000	70295
8710 950602 Annuity Prizes	\$	56,311,050	\$	58,328,775	70296
TOTAL SLF State Lottery Fund Group	\$	388,363,072	\$	402,002,345	70297
TOTAL ALL BUDGET FUND GROUPS	\$	388,363,072	\$	402,002,345	70298

OPERATING EXPENSES 70299

Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.

DIRECT PRIZE PAYMENTS 70307

Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.

ANNUITY PRIZES 70312

Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery

Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 70315
 an amount sufficient to fund deferred prizes. The Treasurer of 70316
 State, from time to time, shall credit the Deferred Prizes Trust 70317
 Fund (Fund 8710) the pro rata share of interest earned by the 70318
 Treasurer of State on invested balances. 70319

Any amounts, in addition to the amounts appropriated in 70320
 appropriation item 950602, Annuity Prizes, that the Director of 70321
 the State Lottery Commission determines to be necessary to fund 70322
 deferred prizes and interest are hereby appropriated. 70323

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 70324

Estimated transfers from the State Lottery Fund (Fund 7044) 70325
 to the Lottery Profits Education Fund (Fund 7017) are to be 70326
 \$1,234,000,000 in fiscal year 2022 and \$1,263,000,000 in fiscal 70327
 year 2023. Transfers by the Director of Budget and Management to 70328
 the Lottery Profits Education Fund shall be administered as the 70329
 statutes direct. 70330

Section 333.10. MCD DEPARTMENT OF MEDICAID 70331

General Revenue Fund 70332

GRF	651425	Medicaid Program	\$	174,630,600	\$	175,966,900	70333
		Support - State					

GRF	651426	Positive Education	\$	1,000,000	\$	0	70334
		Program Connections					

GRF	651525	Medicaid Health Care	\$	3,971,461,568	\$	5,474,740,107	70335
		Services-State					

		Medicaid Health Care	\$	11,119,627,170	\$	13,416,349,002	70336
		Services-Federal					

		Medicaid Health Care	\$	15,091,088,738	\$	18,891,089,109	70337
		Services - Total					

GRF	651526	Medicare Part D	\$	489,144,862	\$	566,626,746	70338
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GRF	651529	Brigid's Path Pilot	\$	1,000,000	\$	1,000,000	70339
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GRF	651533	Food Farmacy Pilot Project	\$	250,000	\$	250,000	70340
TOTAL GRF	General Revenue Fund						70341
		State	\$	4,637,487,030	\$	6,218,583,753	70342
		Federal	\$	11,119,627,170	\$	13,416,349,002	70343
		GRF Total	\$	15,757,114,200	\$	19,634,932,755	70344
Dedicated Purpose Fund Group							70345
4E30	651605	Resident Protection Fund	\$	7,000,000	\$	7,000,000	70346
5AN0	651686	Care Innovation and Community Improvement Program	\$	85,621,440	\$	85,452,765	70347
5DL0	651639	Medicaid Services - Recoveries	\$	547,500,000	\$	605,000,000	70348
5DL0	651685	Medicaid Recoveries - Program Support	\$	98,332,700	\$	80,747,100	70349
5DL0	651690	Multi-system Youth Custody Relinquishment	\$	16,000,000	\$	16,000,000	70350
5FX0	651638	Medicaid Services - Payment Withholding	\$	12,000,000	\$	12,000,000	70351
5GF0	651656	Medicaid Services - Hospital Franchise Fee	\$	932,000,000	\$	971,000,000	70352
5R20	651608	Medicaid Services - Long Term	\$	415,000,000	\$	415,000,000	70353
5SA4	651689	Medicaid Health & Human Services	\$	900,000,000	\$	300,000,000	70354
5TN0	651684	Medicaid Services - HIC Fee	\$	1,013,000,000	\$	966,000,000	70355
6510	651649	Medicaid Services - Hospital Care Assurance Program	\$	158,392,748	\$	102,289,260	70356

TOTAL DPF Dedicated Purpose Fund Group	\$ 4,184,846,888	\$ 3,560,489,125	70357
Holding Account Fund Group			70358
R055 651644 Refunds and Reconciliation	\$ 1,000,000	\$ 1,000,000	70359
TOTAL HLD Holding Account Fund Group	\$ 1,000,000	\$ 1,000,000	70360
Federal Fund Group			70361
3ER0 651603 Medicaid and Health Transformation Technology	\$ 10,083,900	\$ 9,660,200	70362
3F00 651623 Medicaid Services - Federal	\$10,639,171,307	\$ 8,122,425,803	70363
3F00 651624 Medicaid Program Support - Federal	\$ 543,733,300	\$ 509,264,400	70364
3FA0 651680 Health Care Grants - Federal	\$ 3,000,000	\$ 3,000,000	70365
3G50 651655 Medicaid Interagency Pass Through	\$ 241,692,200	\$ 241,692,200	70366
TOTAL FED Federal Fund Group	\$11,437,680,707	\$ 8,886,042,603	70367
TOTAL ALL BUDGET FUND GROUPS	\$31,380,641,795	\$32,082,464,483	70368

Section 333.20. MEDICAID HEALTH CARE SERVICES 70370

The foregoing appropriation item 651525, Medicaid Health Care Services, shall not be limited by section 131.33 of the Revised Code. 70371
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Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES 70374

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations from appropriation item 651525, Medicaid Health Care Services, to appropriation items in other state agencies for the purpose of 70375
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lead abatement and related activities. If such a transfer occurs, 70379
the Director of Budget and Management may adjust, using the 70380
federal reimbursement rate, the federal share of appropriation 70381
item 651525, Medicaid Health Care Services, accordingly. The 70382
Director of Medicaid may transfer federal funds as the state's 70383
single state agency for Medicaid reimbursements, as drawn for 70384
these transactions. Amounts transferred are hereby appropriated. 70385

Section 333.35. POSITIVE EDUCATION PROGRAM CONNECTIONS 70386

The foregoing appropriation item, 651426, Positive Education 70387
Program Connections, shall be used for the Positive Education 70388
Program Connections in Cuyahoga County. 70389

Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM 70390

The Director of Budget and Management may authorize 70391
additional expenditures from appropriation item 651623, Medicaid 70392
Services - Federal, appropriation item 651525, Medicaid Health 70393
Care Services, and appropriation item 651656, Medicaid Services - 70394
Hospital Franchise Fee, in order to implement the programs 70395
authorized by sections 5168.20 through 5168.28 of the Revised 70396
Code. Any amounts authorized are hereby appropriated. 70397

Section 333.45. HOSPITAL FRANCHISE FEE ADDITIONAL 70398
APPROPRIATIONS 70399

If the Medicaid Director determines that, due to the impact 70400
of the COVID-19 public health emergency, additional appropriations 70401
are necessary in appropriation items 651656, Medicaid Services - 70402
Hospital Franchise Fee and 651623, Medicaid Services - Federal, 70403
the Medicaid Director may request the Director of Budget and 70404
Management to authorize expenditures from these items in excess of 70405
the amount appropriated. Upon such a request, the Director of 70406
Budget and Management may authorize excess expenditures by up to 70407

\$400,000,000 in appropriation item 651656, Medicaid Services - 70408
Hospital Franchise Fee, and up to \$1,000,000,000 in appropriation 70409
item 651623, Medicaid Services - Federal, in each fiscal year. 70410
Excess expenditures authorized by the Director of Budget and 70411
Management are hereby appropriated. 70412

Section 333.50. MEDICARE PART D 70413

The foregoing appropriation item 651526, Medicare Part D, may 70414
be used by the Department of Medicaid for the implementation and 70415
operation of the Medicare Part D requirements contained in the 70416
"Medicare Prescription Drug, Improvement, and Modernization Act of 70417
2003," Pub. L. No. 108-173, as amended. Upon the request of the 70418
Medicaid Director, the Director of Budget and Management may 70419
transfer the state share of appropriations between appropriation 70420
item 651525, Medicaid Health Care Services, and appropriation item 70421
651526, Medicare Part D. If the state share of appropriation item 70422
651525, Medicaid Health Care Services, is adjusted, the Director 70423
of Budget and Management shall adjust the federal share 70424
accordingly. The Department of Medicaid shall provide notification 70425
to the Controlling Board of any transfers at the next scheduled 70426
Controlling Board meeting. 70427

Section 333.55. BRIGID'S PATH PILOT 70428

The foregoing appropriation item, 651529, Brigid's Path 70429
Pilot, shall be distributed to Brigid's Path Program in Montgomery 70430
County. If the Medicaid Director files rules with the Joint 70431
Committee on Agency Rule Review to implement a mother baby dyad 70432
program under which residential pediatric recovery centers would 70433
receive reimbursement for treatment of infants with neonatal 70434
abstinence syndrome, upon the rules' effective date or as soon as 70435
possible thereafter, the Medicaid Director shall certify to the 70436
Director of Budget and Management the unexpended, unencumbered 70437

funds from appropriation item 651529 remaining for fiscal year 2022 and fiscal year 2023. Upon certification, the Director of Budget and Management shall transfer the remaining appropriation to appropriation item 651525, Medicaid Health Care Services.

Section 333.57. FOOD FARMACY PILOT PROJECT

The foregoing appropriation item 651533, Food Farmacy Pilot Project, shall be distributed to the Akron Canton Regional Foodbank to provide comprehensive medical, nutrition, and lifestyle support for food-insecure patients with chronic diseases and their families.

Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT PROGRAM

(A) As used in this section:

(1) "Nonprofit hospital agency" means a nonprofit hospital agency, as defined in section 140.01 of the Revised Code, that is affiliated with a state university as defined in section 3345.011 of the Revised Code.

(2) "Participating agency" means a nonprofit hospital agency or public hospital agency participating in the Care Innovation and Community Improvement Program.

(3) "Public hospital agency" has the same meaning as in section 140.01 of the Revised Code.

(B) The Medicaid Director shall continue the Care Innovation and Community Improvement Program for the 2022-2023 fiscal biennium. Any nonprofit hospital agency or public hospital agency may volunteer to participate in the program if the agency operates a hospital that has a Medicaid provider agreement.

(C) Participating agencies are responsible for the state share of the program's costs and shall make or request the

appropriate government entity to make intergovernmental transfers 70467
to pay for those costs. The Medicaid Director shall establish a 70468
schedule for making the intergovernmental transfers. 70469

(D) Each participating agency shall receive supplemental 70470
payments under the Medicaid program for physician and other 70471
professional services that are covered by the Medicaid program and 70472
provided to Medicaid recipients. The amount of the supplemental 70473
payments shall equal the difference between the Medicaid payment 70474
rates for the services and the average commercial payment rates 70475
for the services. The Director may terminate, or adjust the amount 70476
of, the supplemental payments if the amount of the funds available 70477
for the Care Innovation and Community Improvement Program is 70478
inadequate. 70479

(E) Each participating agency shall jointly participate in 70480
quality improvement initiatives that align with and advance the 70481
goals of the Department of Medicaid's quality strategy required 70482
under 42. C.F.R. 438.340. 70483

(F) The Medicaid Director shall maintain a process to 70484
evaluate the work done by participating agencies under division 70485
(E) of this section and the agencies' progress in meeting the 70486
goals of the Care Innovation and Community Improvement Program. 70487
The Director may terminate an agency's participation in the 70488
program if the Director determines that the agency is not 70489
participating as specified in division (E) of this section or 70490
making progress in meeting the program's quality improvement 70491
goals. 70492

(G) Not later than December 31 of each year, the Medicaid 70493
Director shall submit a report to the Speaker of the House of 70494
Representatives, the President of the Senate, and the Joint 70495
Medicaid Oversight Committee, detailing the efficacy, trends, 70496
outcomes, and number of agencies enrolled in the Care Innovation 70497
and Community Improvement Program. The report also shall specify 70498

the total amount of supplemental payments made to participating agencies under division (D) of this section. All data contained within the report shall be aggregated.

(H) All intergovernmental transfers made under division (C) of this section shall be deposited into the Care Innovation and Community Improvement Program Fund created by Section 333.320 of H.B. 49 of the 132nd General Assembly. Money in the fund and the corresponding federal financial participation in the Health Care - Federal Fund created under section 5162.50 of the Revised Code shall be used to make supplemental payments under division (D) of this section.

(I) If the amount of the foregoing appropriation item 651686, Care Innovation and Community Improvement Program, and the corresponding federal financial participation in appropriation item 651623, Medicaid Services - Federal, are inadequate to make the supplemental payments required by division (D) of this section, the Medicaid Director may request that the Director of Budget and Management authorize additional expenditures from the Care Innovation and Community Improvement Program Fund (Fund 5AN0) and the Health Care - Federal Fund (Fund 3F00) as needed to make the supplemental payments. If the Director of Budget and Management authorizes the additional expenditures, the additional amounts are hereby appropriated.

Section 333.70. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES FUND

Of the amount received by the Department of Medicaid during fiscal year 2022 and fiscal year 2023 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$2,500,000 cash in each fiscal year into the state treasury to the credit of the

Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0). 70530

Section 333.80. HEALTH CARE/MEDICAID SUPPORT AND RECOVERIES 70531
FUND EXPENDITURES 70532

If receipts credited to the Health Care/Medicaid Support and 70533
Recoveries Fund (Fund 5DL0) exceed the amounts appropriated from 70534
the fund, the Medicaid Director may request the Director of Budget 70535
and Management to authorize expenditures from the fund in excess 70536
of the amounts appropriated. If any additional amounts are 70537
authorized, the Director of Budget and Management shall adjust, 70538
using the federal reimbursement rate, the federal appropriation 70539
item identified by the Medicaid Director accordingly. Any 70540
authorized amounts and any corresponding federal adjustments are 70541
hereby appropriated. 70542

Section 333.90. CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID 70543
SUPPORT AND RECOVERIES FUND TO THE STATEWIDE PREVENTION AND 70544
TREATMENT FUND 70545

Upon the request of the Medicaid Director, the Director of 70546
Budget and Management may transfer up to \$2,000,000 cash in each 70547
fiscal year from the Health Care/Medicaid Support and Recoveries 70548
Fund (Fund 5DL0) to the Statewide Prevention and Treatment Fund 70549
(Fund 4750), used by the Department of Mental Health and Addiction 70550
Services. Any transferred funds shall be used to support Centers 70551
of Excellence and related activities. Any transferred amounts are 70552
hereby appropriated. 70553

Section 333.100. HEALTH INSURING CORPORATION CLASS FRANCHISE 70554
FEE 70555

If receipts credited to the Health Insuring Corporation Class 70556
Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated 70557
from the fund, the Medicaid Director may request the Director of 70558

Budget and Management to authorize expenditures from the fund in 70559
excess of the amounts appropriated. If any additional amounts are 70560
authorized, the Director of Budget and Management shall adjust, 70561
using the federal reimbursement rate, the federal appropriation 70562
item identified by the Medicaid Director accordingly. Any 70563
authorized amounts and any corresponding federal adjustments are 70564
hereby appropriated. 70565

Section 333.110. HOSPITAL CARE ASSURANCE MATCH 70566

If receipts credited to the Health Care Federal Fund (Fund 70567
3F00) exceed the amounts appropriated from the fund for making the 70568
hospital care assurance program distribution, the Medicaid 70569
Director may request the Director of Budget and Management to 70570
authorize expenditures from the fund in excess of the amounts 70571
appropriated. Upon the approval of the Director of Budget and 70572
Management, the additional amounts are hereby appropriated. 70573

The foregoing appropriation item 651649, Medicaid Services - 70574
Health Care Assurance Program, shall be used by the Department of 70575
Medicaid for distributing the state share of all hospital care 70576
assurance program funds to hospitals under section 5168.09 of the 70577
Revised Code. If receipts credited to the Hospital Care Assurance 70578
Program Fund (Fund 6510) exceed the amounts appropriated from the 70579
fund for making the hospital care assurance program distribution, 70580
the Medicaid Director may request the Director of Budget and 70581
Management to authorize expenditures from the fund in excess of 70582
the amounts appropriated. Upon the approval of the Director of 70583
Budget and Management, the additional amounts are hereby 70584
appropriated. 70585

Section 333.120. REFUNDS AND RECONCILIATION FUND 70586

If receipts credited to the Refunds and Reconciliation Fund 70587
(Fund R055) exceed the amounts appropriated from the fund, the 70588

Medicaid Director may request the Director of Budget and 70589
Management to authorize expenditures from the fund in excess of 70590
the amounts appropriated. Upon approval of the Director of Budget 70591
and Management, the additional amounts are hereby appropriated. 70592

Section 333.130. MEDICAID INTERAGENCY PASS-THROUGH 70593

The Medicaid Director may request the Director of Budget and 70594
Management to authorize expenditures from appropriation item 70595
651655, Medicaid Interagency Pass-Through in excess of amounts 70596
appropriated. Upon the approval of the Director of Budget and 70597
Management, any excess amounts are hereby appropriated. 70598

Section 333.140. NON-EMERGENCY MEDICAL TRANSPORTATION 70599

In order to ensure access to a non-emergency medical 70600
transportation brokerage program established pursuant to section 70601
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 70602
upon the request of the Medicaid Director, the Director of Budget 70603
and Management may transfer the state share appropriations between 70604
General Revenue Fund appropriation item 651525, Medicaid Health 70605
Care Services, within the Department of Medicaid and 655523, 70606
Medicaid Program Support - Local Transportation, within the 70607
Department of Job and Family Services. If such a transfer occurs, 70608
the Director of Budget and Management shall adjust, using the 70609
federal reimbursement rate, the federal share appropriations of 70610
General Revenue Fund appropriation item 651525, Medicaid Health 70611
Care Services, within the Department of Medicaid, and the Medicaid 70612
Program Support Fund (Fund 3F01) appropriation item 655624, 70613
Medicaid Program Support - Federal, within the Department of Job 70614
and Family Services. The Director of Medicaid shall transmit to 70615
the Medicaid Program Support Fund (Fund 3F01) the federal funds 70616
which the Department of Medicaid, as the state's sole point of 70617
contact with the federal government for Medicaid reimbursements, 70618

has drawn for this transaction. 70619

Section 333.150. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION 70620
AND LOCAL PROGRAM SUPPORT 70621

Upon the request of the Medicaid Director, the Director of 70622
Budget and Management may transfer up to \$5,000,000 of state share 70623
appropriations in each fiscal year between General Revenue Fund 70624
appropriation item 651525, Medicaid Health Care Services, within 70625
the Department of Medicaid, and 655522, Medicaid Program Support - 70626
Local, within the Department of Job and Family Services. If such a 70627
transfer occurs, the Director of Budget and Management shall 70628
adjust, using the federal reimbursement rate, the federal share 70629
appropriations of General Revenue Fund appropriation item 651525, 70630
Medicaid Health Care Services, within the Department of Medicaid, 70631
and the Medicaid Program Support Fund (Fund 3F01) appropriation 70632
item 655624, Medicaid Program Support - Federal, within the 70633
Department of Job and Family Services. The Director of Medicaid 70634
shall transmit to the Medicaid Program Support Fund (Fund 3F01) 70635
the federal funds which the Department of Medicaid, as the state's 70636
sole point of contact with the federal government for Medicaid 70637
reimbursements, has drawn for this transaction. 70638

The Medicaid Director shall establish criteria for 70639
distributing these funds and for county departments of job and 70640
family services to submit allowable expenses. 70641

County departments of job and family services shall comply 70642
with new roles, processes, and responsibilities related to the new 70643
eligibility determination system. County departments of job and 70644
family services shall report to the Ohio Department of Job and 70645
Family Services and the Ohio Department of Medicaid, on a schedule 70646
determined by the Medicaid Director, how the funds were used. 70647

Section 333.160. MEDICAID PAYMENT RATES FOR COMMUNITY 70648

BEHAVIORAL HEALTH SERVICES	70649
(A) As used in this section:	70650
(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.	70651 70652
(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	70653 70654
(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.	70655 70656 70657
(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.	70658 70659
(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2022 and fiscal year 2023 that exceed the authorized rates paid for the services under the Medicare program.	70660 70661 70662 70663 70664
(C) This section does not apply to community behavioral health services provided by any of the following:	70665 70666
(1) Hospitals on an inpatient basis;	70667
(2) Nursing facilities;	70668
(3) Intermediate care facilities for individuals with intellectual disabilities.	70669 70670
Section 333.165. HCBS WAIVER PAYMENT RATES	70671
(A) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$5,000,000 in each fiscal year shall be used to increase the payment rates during fiscal year 2022 and fiscal year 2023 for the adult day care services provided by Medicaid-funded and state-funded providers under the PASSPORT	70672 70673 70674 70675 70676

program. 70677

(B) The Department of Medicaid shall establish a methodology 70678
for calculating the rate increase from the funds under division 70679
(A) of this section. 70680

**Section 333.170. AREA AGENCIES ON AGING AND MEDICAID MANAGED 70681
CARE 70682**

(A) As used in this section: 70683

(1) "Care management system" means the system established 70684
under section 5167.03 of the Revised Code. 70685

(2) "Dual eligible individuals" has the same meaning as in 70686
section 5160.01 of the Revised Code. 70687

(3) "Medicaid managed care organization" has the same meaning 70688
as in section 5167.01 of the Revised Code. 70689

(4) "Medicaid waiver component" has the same meaning as in 70690
section 5166.01 of the Revised Code. 70691

(B) If the Department of Medicaid expands the inclusion of 70692
the aged, blind, and disabled Medicaid eligibility group or dual 70693
eligible individuals in the care management system during the FY 70694
2022 - FY 2023 fiscal biennium, the Department shall do both of 70695
the following for the remainder of the fiscal biennium: 70696

(1) Require area agencies on aging to be the coordinators of 70697
home and community-based services available under Medicaid waiver 70698
components that those individuals and that eligibility group 70699
receive and permit Medicaid managed care organizations to delegate 70700
to the agencies full-care coordination functions for those 70701
services and other health-care services those individuals and that 70702
eligibility group receive; 70703

(2) In selecting managed care organizations with which to 70704
contract under section 5167.10 of the Revised Code, give 70705

preference to those organizations that will enter into 70706
subcapitation arrangements with area agencies on aging under which 70707
the agencies are to perform, in addition to other functions, 70708
network management and payment functions for home and 70709
community-based services available under Medicaid waiver 70710
components that those individuals and that eligibility group 70711
receive. 70712

Section 333.180. WORK COMMUNITY ENGAGEMENT PROGRAM - 70713
OHIO MEANS JOBS COSTS 70714

Upon the request of the Medicaid Director, the Director of 70715
Budget and Management may transfer state share appropriations in 70716
each fiscal year between appropriation item 651685, Medicaid 70717
Recoveries - Program Support, within the Department of Medicaid, 70718
and 655425, Medicaid Program Support, within the Department of Job 70719
and Family Services. If such a transfer occurs, the Director of 70720
Budget and Management shall adjust, using the federal 70721
reimbursement rate, the federal share appropriations of 70722
appropriation item 651624, Medicaid Program Support - Federal, 70723
within the Department of Medicaid, and appropriation item 655624, 70724
Medicaid Program Support - Federal, within the Department of Job 70725
and Family Services. Any transfer of funds shall be provided to 70726
the Department of Job and Family Services and shall only be used 70727
for costs related to transitioning to a new work community 70728
engagement program for the Medicaid program as prescribed by the 70729
Medicaid Director. 70730

Section 333.190. WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY 70731
COSTS 70732

Upon the request of the Medicaid Director, the Director of 70733
Budget and Management may transfer state share appropriations in 70734
each fiscal year between appropriation item 651525, Medicaid 70735

Health Care Services, within the Department of Medicaid, and 70736
655522, Medicaid Program Support - Local, within the Department of 70737
Job and Family Services. If such a transfer occurs, the Director 70738
of Budget and Management shall adjust, using the federal 70739
reimbursement rate, the federal share appropriations of 70740
appropriation item 651525, Medicaid Health Care Services, within 70741
the Department of Medicaid, and appropriation item 655624, 70742
Medicaid Program Support - Federal, within the Department of Job 70743
and Family Services. Any increase in funding shall be provided to 70744
county departments of job and family services and shall only be 70745
used for costs related to transitioning to a new work community 70746
engagement program under the Medicaid program as prescribed by the 70747
Medicaid Director. These funds shall not be used for existing and 70748
ongoing operating expenses. The Medicaid Director shall establish 70749
criteria for distributing these funds and for county departments 70750
of job and family services to submit allowable expenses. 70751

Section 333.205. MEDICAID HEALTH & HUMAN SERVICES 70752

The Medicaid Director shall seek Controlling Board approval 70753
before any funds can be expended from appropriation item 651689, 70754
Medicaid Health & Human Services. 70755

Section 333.210. VOLUNTARY MEDICAID COMMUNITY ENGAGEMENT 70756
PROGRAM 70757

(A) As used in this section: 70758

(1) "Expansion eligibility group" has the same meaning as in 70759
section 5163.01 of the Revised Code. 70760

(2) "Medical assistance recipient" has the same meaning as in 70761
section 5160.01 of the Revised Code. 70762

(B) As a result of the COVID-19 public health emergency, 70763
which created impediments to implementing the work and community 70764
engagement waiver component under section 5166.37 of the Revised 70765

Code requiring individuals to meet at least one of the enumerated requirements as a condition to enrolling in Medicaid as part of the expansion eligibility group, the Medicaid Director shall establish and implement a voluntary community engagement program in accordance with this section not later than January 1, 2022.

(C) The community engagement program shall be available to all medical assistance recipients. Participation in the program shall be voluntary.

(D) The community engagement program shall do all of the following:

(1) Encourage medical assistance recipients to work who are of working age and able-bodied;

(2) Promote to medical assistance recipients the economic stability, financial independence, and improved health outcomes from work;

(3) Provide information to medical assistance recipients about the services available under the community engagement program, including an explanation of the importance of work to overall physical and mental health.

(E) The community engagement program shall continue through the FY 2022 - FY 2023 fiscal biennium or until Ohio is able to implement the waiver component under section 5166.37 of the Revised Code, whichever is sooner, at which point it will cease to exist.

(F) As part of the community engagement program, the Medicaid Director shall explore partnerships with education and training providers to increase training opportunities for Medicaid recipients.

Section 333.215. VALUE-BASED PURCHASING SUPPLEMENTAL REBATE

(A) Not later than sixty days after the effective date of

this section, the Department of Medicaid shall submit to the 70796
United States Centers for Medicare and Medicaid Services a 70797
Medicaid state plan amendment to authorize the Department to enter 70798
into value-based purchasing supplemental rebate agreements with 70799
pharmaceutical manufacturers. 70800

(B) The agreements authorized by the state plan amendment 70801
shall establish criteria for the Department to make supplemental 70802
rebate payments to pharmaceutical manufacturers. The Department of 70803
Medicaid shall use its best efforts to ensure that the form 70804
value-based supplemental rebate agreement submitted to the Centers 70805
for Medicare and Medicaid Services permits rebates to be 70806
calculated on many different bases at the discretion of the 70807
Department with the approval of the pharmaceutical manufacturer, 70808
including under outcome-based models, shared savings models, 70809
subscription or modified subscription models, risk-sharing models, 70810
or guarantees. The rebates may be calculated and paid in a single 70811
year or over multiple years. 70812

(C) Nothing in this section requires a drug manufacturer or 70813
the Department to enter into a supplemental rebate agreement under 70814
this section. 70815

Section 333.217. MEDICAID COST ASSURANCE PILOT PROGRAM 70816

(A) As used in this section: 70817

(1) "Care management system," "enrollee," "Medicaid managed 70818
care organization," and "provider" have the same meanings as in 70819
section 5167.01 of the Revised Code. 70820

(2) "Expansion eligibility group" has the same meaning as in 70821
section 5163.01 of the Revised Code. 70822

(B) The Department of Medicaid shall establish the Medicaid 70823
Cost Assurance Pilot Program during FY 2022 and FY 2023. The pilot 70824
program shall be available to enrollees who qualify for Medicaid 70825

as part of the expansion eligibility group. The Department may 70826
expand the program based on determinations made under division (E) 70827
of this section about whether the program has met demonstrated 70828
success criteria, as established in rules authorized by division 70829
(F) of this section. 70830

(C) The pilot program shall do all of the following: 70831

(1) Identify eligible enrollees who are members of the 70832
expansion eligibility group to participate in the program; 70833

(2) Provide Medicaid services to pilot program participants 70834
at a rate of 95 per cent of current Medicaid managed care 70835
organization capitation rates; 70836

(3) Use technology to do all of the following: 70837

(a) Utilize automation and artificial intelligence to provide 70838
Medicaid program savings by avoiding traditional cost structures; 70839

(b) Diversify care management system programs to achieve 70840
better health outcomes at better value; 70841

(c) Enable seamless communication between providers and 70842
managed care entities under the program; 70843

(d) Improve the Medicaid program experience for providers and 70844
enrollees. 70845

(4) Develop and implement strategies to provide opportunities 70846
for pilot program participants to rise above the poverty level 70847
criteria for Medicaid eligibility; 70848

(5) Enable managed care entities under the program to take 70849
the risks incidental to the practice of insurance, as an insurer 70850
licensed under Title XXXIX of the Revised Code; 70851

(6) After program implementation, include 90-day study 70852
periods to determine whether to expand, sustain, or terminate the 70853
pilot program. 70854

(D) The Department shall contract with a managed care entity to administer Medicaid benefits under the pilot program. The managed care entity shall meet all of the following criteria:

(1) Be an insurer licensed to do business in this state under Title XXXIX of the Revised Code;

(2) Be a start-up company domiciled in this state;

(3) Have sufficient capital of at least thirty million dollars.

(E) Not later than December 31, 2022, the Department shall submit a report outlining clinical outcome data and cost impacts of the pilot program. The report shall be submitted to the Speaker of the House of Representatives and the Senate President, in accordance with section 101.68 of the Revised Code, and to the members of the Joint Medicaid Oversight Committee.

(F) The members of the standing Health Committee of the House of Representatives shall appoint a subcommittee to make determinations about the progress of the pilot program.

(G) The Medicaid Director shall adopt rules under section 5160.02 of the Revised Code as necessary to implement the pilot program, including the geographic areas where the program will occur, program participant eligibility requirements, and program demonstrated success criteria.

Section 333.240. NURSING FACILITY REBASING

(A) As used in this section, "nursing facility" and "rebasings" have the same meanings as in section 5165.01 of the Revised Code.

(B) Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$50,000,000 in each fiscal year shall be used by the Department of Medicaid to pay for rebasing determinations of nursing facilities' Medicaid rates as calculated

under division (B) of section 5165.36 of the Revised Code. 70885
Notwithstanding any provision of law to the contrary, the 70886
Department shall prorate these rebasing determinations as needed 70887
to stay within this earmark. 70888

Section 335.10. MED STATE MEDICAL BOARD 70889

Dedicated Purpose Fund Group 70890
5C60 883609 Operating Expenses \$ 12,294,149 \$ 12,551,618 70891
TOTAL DPF Dedicated Purpose Fund \$ 12,294,149 \$ 12,551,618 70892
Group
TOTAL ALL BUDGET FUND GROUPS \$ 12,294,149 \$ 12,551,618 70893

Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 70895

SERVICES 70896
General Revenue Fund 70897
GRF 336321 Central \$ 17,267,311 \$ 17,555,983 70898
Administration
GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 70899
GRF 336405 Family and Children \$ 1,386,000 \$ 1,386,000 70900
First
GRF 336406 Prevention and \$ 4,868,659 \$ 4,868,659 70901
Wellness
GRF 336412 Hospital Services \$ 256,956,156 \$ 262,210,314 70902
GRF 336415 Mental Health \$ 27,000,000 \$ 27,000,000 70903
Facilities Lease
Rental Bond Payments
GRF 336421 Continuum of Care \$ 85,964,846 \$ 85,964,846 70904
Services
GRF 336422 Criminal Justice \$ 19,805,937 \$ 19,805,937 70905
Services
GRF 336423 Addiction Services \$ 33,830,547 \$ 34,409,472 70906
Partnership with

		Corrections				
GRF	336424	Recovery Housing	\$	3,000,000	\$	3,000,000 70907
GRF	336425	Specialized Docket	\$	10,000,000	\$	10,000,000 70908
		Support				
GRF	336504	Community Innovations	\$	15,000,000	\$	15,000,000 70909
GRF	336506	Court Costs	\$	1,000,000	\$	1,000,000 70910
GRF	336510	Residential State	\$	16,000,000	\$	16,000,000 70911
		Supplement				
GRF	336511	Early Childhood	\$	1,250,000	\$	1,250,000 70912
		Mental Health				
		Counselors and				
		Consultation				
GRF	336515	Transcranial Magnetic	\$	3,000,000	\$	3,000,000 70913
		Stimulation Program				
GRF	336516	Appalachian Children	\$	750,000	\$	750,000 70914
		Coalition				
GRF	652321	Medicaid Support	\$	1,298,574	\$	1,587,246 70915
TOTAL GRF		General Revenue Fund	\$	498,828,030	\$	505,238,457 70916
		Dedicated Purpose Fund Group				70917
2320	336621	Family and Children	\$	1,100,000	\$	1,100,000 70918
		First				
4750	336623	Statewide Treatment	\$	20,600,000	\$	20,600,000 70919
		and Prevention				
4850	336632	Mental Health	\$	9,000,000	\$	9,000,000 70920
		Operating				
5AU0	336615	Behavioral Health	\$	10,010,000	\$	10,010,000 70921
		Care				
5CV1	336513	COVID Response -	\$	4,500,000	\$	2,500,000 70922
		Mental Health				
5JL0	336629	Problem Gambling and	\$	6,085,000	\$	6,085,000 70923
		Casino Addiction				
5T90	336641	Problem Gambling	\$	1,820,000	\$	1,820,000 70924
		Services				

5TZ0	336600	Substance Abuse Stabilization Centers	\$	6,000,000	\$	6,000,000	70925
5TZ0	336643	ADAMHS Boards	\$	11,000,000	\$	11,000,000	70926
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	70927
6890	336640	Education and Conferences	\$	75,000	\$	75,000	70928
TOTAL DPF		Dedicated Purpose Fund Group	\$	70,540,000	\$	68,540,000	70929
		Internal Service Activity Fund Group					70930
1490	336609	Hospital Operating Expenses	\$	16,000,000	\$	16,000,000	70931
1490	336610	Operating Expenses	\$	5,500,000	\$	5,500,000	70932
1510	336601	Ohio Pharmacy Services	\$	99,585,489	\$	100,512,696	70933
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	70934
TOTAL ISA		Internal Service Activity Fund Group	\$	121,335,489	\$	122,262,696	70935
		Federal Fund Group					70936
3240	336605	Medicaid/Medicare	\$	20,000,000	\$	20,000,000	70937
3A70	336612	Social Services Block Grant	\$	7,700,000	\$	7,700,000	70938
3A80	336613	Federal Grants	\$	5,500,000	\$	5,500,000	70939
3A90	336614	Mental Health Block Grant	\$	72,883,470	\$	38,830,720	70940
3B10	652636	Community Medicaid Legacy Support	\$	4,000,000	\$	4,000,000	70941
3G40	336618	Substance Abuse Block Grant	\$	125,942,756	\$	85,691,166	70942
3H80	336606	Demonstration Grants	\$	15,000,000	\$	15,000,000	70943
3HB1	336644	State Opioid Response	\$	110,176,079	\$	110,176,079	70944

3N80 336639	Administrative	\$ 1,000,000	\$ 1,000,000	70945
	Reimbursement			
TOTAL FED	Federal Fund Group	\$ 362,202,305	\$ 287,897,965	70946
TOTAL ALL BUDGET	FUND GROUPS	\$ 1,052,905,824	\$ 983,939,118	70947

Section 337.20. PREVENTION AND WELLNESS 70949

The foregoing appropriation item 336406, Prevention and 70950
Wellness, shall be used as follows: 70951

(A) Up to \$1,250,000 in each fiscal year shall be distributed 70952
to boards of alcohol, drug addiction, and mental health services 70953
to purchase the provision of evidence-based prevention services 70954
from providers certified by the Department of Mental Health and 70955
Addiction Services. 70956

(B) Up to \$500,000 in each fiscal year shall be used to 70957
support suicide prevention efforts. 70958

(C) Up to \$2,250,000 in each fiscal year shall be used to 70959
increase access to early identification of behavioral health 70960
disorders. 70961

(D) \$250,000 in each fiscal year shall be used to support the 70962
use of LifeAct's certified suicide prevention programs in middle 70963
schools and high schools. 70964

(E) \$120,000 in each fiscal year shall be allocated to the 70965
Northeast Ohio Medical University's statewide campus safety and 70966
mental health programs, including suicide prevention. 70967

Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND 70968
PAYMENTS 70969

The foregoing appropriation item 336415, Mental Health 70970
Facilities Lease Rental Bond Payments, shall be used to meet all 70971
payments during the period from July 1, 2021, through June 30, 70972
2023, by the Department of Mental Health and Addiction Services 70973

pursuant to leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code.

Section 337.40. CONTINUUM OF CARE SERVICES

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and

(2) To provide subsidized support for medication-assisted treatment costs.

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in

collaboration with the other boards that serve the same state 71004
psychiatric hospital region, mental health crisis stabilization 71005
centers or, upon approval from the Director of Mental Health and 71006
Addiction Services, boards may use these funds in conjunction with 71007
funds earmarked in division (A) of Section 337.130 of this act, to 71008
establish and administer crisis stabilization centers that have 71009
the ability to serve individuals with substance use and/or mental 71010
health needs. There shall be at least one center located in each 71011
state psychiatric hospital region. 71012

Boards of alcohol, drug addiction, and mental health services 71013
shall ensure that each mental health crisis stabilization center 71014
established and administered under division (C) of this section 71015
complies with all of the following: 71016

(1) It serves individuals before and after the individuals 71017
receive treatment and care at hospital emergency departments or 71018
freestanding emergency departments. 71019

(2) It serves individuals before and after the individuals 71020
are confined in state or local correctional facilities. 71021

(3) It has a Medicaid provider agreement. 71022

(4) It serves individuals who present as needing the crisis 71023
stabilization services provided by the center. 71024

(5) It connects individuals when they are discharged from the 71025
center with community-based continuum of care services and 71026
supports as described in section 340.032 of the Revised Code. 71027

(D) Boards of alcohol, drug addiction, and mental health 71028
services shall submit to the Director of Mental Health and 71029
Addiction Services for approval a plan for establishing and 71030
administering crisis stabilization centers pursuant to division 71031
(C) of this section and division (A) of Section 337.130 of this 71032
act that meet the mental health and substance use needs of 71033
individuals within their service districts. 71034

(E) As used in division (C) of this section: 71035

(1) "State or local correctional facility" means any of the 71036
following: 71037

(a) A "state correctional institution," as defined in section 71038
2967.01 of the Revised Code; 71039

(b) A "local correctional facility," as defined in section 71040
2903.13 of the Revised Code; 71041

(c) A correctional facility that is privately operated and 71042
managed pursuant to section 9.06 of the Revised Code. 71043

(2) "State psychiatric hospital regions" means the six 71044
districts into which the Department of Mental Health and Addiction 71045
Services has divided the state pursuant to division (B)(2) of 71046
section 5119.14 of the Revised Code. 71047

(F) Of the foregoing appropriation item 336421, Continuum of 71048
Care Services, up to \$5,500,000 in each fiscal year shall be used 71049
to develop a strategic approach to strengthening cross-systems 71050
collaboration efforts to serve adults with serious mental illness 71051
who are involved in multiple behavioral health, health, human 71052
services, and criminal justice systems. 71053

(G) Of the foregoing appropriation item 336421, Continuum of 71054
Care Services, \$3,000,000 in each fiscal year shall be distributed 71055
to boards of alcohol, drug addiction, and mental health services 71056
and used to enhance suicide prevention, crisis response, and 71057
treatment and recovery services and to provide personalized care 71058
to children and adults struggling with mental health issues and 71059
emotional stressors. 71060

(H) Of the foregoing appropriation item 336421, Continuum of 71061
Care Services, up to \$2,500,000 in each fiscal year shall be used 71062
to develop, evaluate, and expand crisis services infrastructure to 71063
provide support for adults, children, and families in a variety of 71064

settings. 71065

(I) Of the foregoing appropriation item 336421, Continuum of 71066
Care Services, \$519,514 in each fiscal year shall be provided to 71067
the Near West Side Multi-Service Corporation dba May Dugan Center. 71068

(J) Of the foregoing appropriation item 336421, Continuum of 71069
Care Services, up to \$475,000 in each fiscal year shall be used to 71070
support the operation of a statewide, twenty-four-hour, 71071
seven-days-a-week, behavioral health support line. 71072

(K) Of the foregoing appropriation item 336421, Continuum of 71073
Care Services, \$400,000 in each fiscal year shall be provided to 71074
the Bellefaire Jewish Children's Bureau to be used for 71075
unanticipated operating expenditures resulting from the COVID-19 71076
pandemic that are not reimbursed by any other sources of state or 71077
federal funding. Expenditures may include, but are not limited to, 71078
personnel costs of health care and social workers. 71079

(L) Of the foregoing appropriation item 336421, Continuum of 71080
Care Services, \$325,000 in each fiscal year shall be distributed 71081
to OhioGuidestone for the Adverse Childhood Experiences Pilot 71082
Project. 71083

(M) Of the foregoing appropriation item 336421, Continuum of 71084
Care Services, \$225,000 in each fiscal year shall be distributed 71085
to LifeTown Columbus to provide additional support for facility 71086
renovations and operations, including professional development, 71087
curriculum development, educational materials, equipment, 71088
marketing, and recruitment. 71089

Section 337.50. CRIMINAL JUSTICE SERVICES 71090

Except as otherwise provided in this act, the foregoing 71091
appropriation item 336422, Criminal Justice Services, shall be 71092
used to provide forensic psychiatric evaluations to courts of 71093
common pleas and to conduct evaluations of patients of forensic 71094

status in facilities operated or designated by the Department of 71095
Mental Health and Addiction Services prior to conditional release 71096
to the community. A portion of this appropriation may be allocated 71097
through boards of alcohol, drug addiction, and mental health 71098
services to community addiction and/or mental health services 71099
providers in accordance with a distribution methodology as 71100
determined by the Director of Mental Health and Addiction 71101
Services. 71102

Of the foregoing appropriation item, 336422, Criminal Justice 71103
Services, up to \$3,000,000 in each fiscal year shall be allocated 71104
to the Psychotropic Drug Reimbursement Program established in 71105
section 5119.19 of the Revised Code. These funds shall only be 71106
allocated to existing programs. 71107

On July 1, 2022, or as soon as possible thereafter, the 71108
Director of Mental Health and Addiction Services shall certify to 71109
the Director of Budget and Management the amount of the 71110
unexpended, unencumbered balance of this earmark in fiscal year 71111
2022. The amount certified is hereby reappropriated to the 71112
appropriation item in fiscal year 2023 for the same purpose. 71113

Of the foregoing appropriation item 336422, Criminal Justice 71114
Services, up to \$2,000,000 in each fiscal year shall be allocated 71115
to the reimbursement program, established in section 5119.191 of 71116
the Revised Code, for drugs used in medication-assisted treatment 71117
or in withdrawal management or detoxification. 71118

The foregoing appropriation item 336422, Criminal Justice 71119
Services, may also be used to: 71120

(A) Provide forensic monitoring and tracking of individuals 71121
on conditional release; 71122

(B) Provide forensic training; 71123

(C) Support projects that assist courts and law enforcement 71124
to identify and develop appropriate alternative services to 71125

incarceration for nonviolent mentally ill offenders;	71126
(D) Provide specialized re-entry services to offenders	71127
leaving prisons and jails;	71128
(E) Provide specific grants in support of addiction services	71129
alternatives to incarceration;	71130
(F) Support therapeutic communities;	71131
(G) Support specialty dockets and expand or create new	71132
certified court programs;	71133
(H) Establish and administer outpatient competency	71134
restoration services.	71135
Section 337.60. SUBSTANCE USE DISORDER TREATMENT IN	71136
SPECIALIZED DOCKET PROGRAMS	71137
(A) As used in this section:	71138
(1) "Community addiction services provider" has the same	71139
meaning as in section 5119.01 of the Revised Code.	71140
(2) "Community control sanction" has the same meaning as in	71141
section 2929.01 of the Revised Code.	71142
(3) "Medication-assisted treatment drug court program" and	71143
"MAT drug court program" mean a session of any of the following	71144
that holds initial or final certification from the Supreme Court	71145
of Ohio as a specialized docket program for drugs and that uses	71146
medication-assisted treatment as part of its specialized docket	71147
program: a common pleas court, municipal court, or county court,	71148
or a division of any of those courts.	71149
(4) "Prescriber" has the same meaning as in section 4729.01	71150
of the Revised Code.	71151
(5) "Recovery supports" has the same meaning as in section	71152
5119.01 of the Revised Code.	71153

(6) "Substance use disorder treatment" has the same meaning 71154
as "alcohol and drug addiction services" as defined in section 71155
5119.01 of the Revised Code. 71156

(B)(1) The Department of Mental Health and Addiction Services 71157
shall conduct a program to provide substance use disorder 71158
treatment to persons who are eligible to participate in a 71159
medication-assisted treatment drug court program and are selected 71160
under this section to be participants in a MAT drug court program 71161
because of a substance use disorder. The substance use disorder 71162
treatment provided under the Department's program may include 71163
medication-assisted treatment, services for withdrawal management 71164
or detoxification and drugs used in providing those services, and 71165
recovery supports. 71166

(2) The Department shall conduct its program in collaboration 71167
with any counties in Ohio that are conducting MAT drug court 71168
programs. 71169

(3) In addition to conducting its program in accordance with 71170
division (B)(2) of this section, the Department may conduct its 71171
program in collaboration with any other court that is conducting a 71172
MAT drug court program. 71173

(C) In conducting its program, the Department shall 71174
collaborate with the Supreme Court, the Department of 71175
Rehabilitation and Correction, and any agency of the state that 71176
the Department of Mental Health and Addiction Services determines 71177
may be of assistance in accomplishing the objectives of the 71178
Department's program. The Department may collaborate with the 71179
boards of alcohol, drug addiction, and mental health services and 71180
with local law enforcement agencies that serve the counties in 71181
which a court participating in the Department's program is 71182
located. 71183

(D)(1) A MAT drug court program participating in the 71184

Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender, including an offender under a community control sanction, or be involved in a drug or family dependency court. A person shall not be selected to be a participant unless the person meets the legal and clinical eligibility criteria for the MAT drug court program and is an active participant in the MAT drug court program, or unless the offender is under a community control sanction with the program's participating judge.

(2) After a MAT drug court program enrolls a person as a participant for purposes of the Department's program, the participant shall comply with all requirements of the MAT drug court program.

(E) The substance use disorder treatment provided under the Department's program in collaboration with a MAT drug court program, including any recovery supports that are provided, shall be provided by a community addiction services provider. The provider shall do all of the following:

(1) Provide treatment based on an integrated service delivery model that consists of the coordination of care between a prescriber and the community addiction services provider;

(2) Conduct professional, comprehensive substance abuse and mental health diagnostic assessments of a person under consideration for selection as a program participant to determine whether the person would benefit from substance use disorder treatment and monitoring;

(3) Determine, based on the assessment described in division (E)(2) of this section, the treatment needs of the program participants served by the community addiction services provider;

(4) Develop, for program participants served by the community

addiction services provider, individualized goals and objectives; 71216

(5) Provide access to drugs that meet the conditions of 71217
division (F) of this section and are used for the program's 71218
substance use disorder treatment, including the long-acting 71219
antagonist therapies, partial agonist therapies, or full agonist 71220
therapies, that are included in the program's medication-assisted 71221
treatment and the alpha-2 agonist therapies that are included in 71222
the program's services for withdrawal management or 71223
detoxification; 71224

(6) Provide other types of therapies, including psychosocial 71225
therapies, for both substance use disorder and any disorders that 71226
are considered by the community addiction services provider to be 71227
co-occurring disorders; 71228

(7) Monitor program compliance through the use of regular 71229
drug testing, including urinalysis, of the program participants 71230
served by the community addiction services provider; 71231

(8) Provide access to time-limited recovery supports that 71232
help eliminate barriers to treatment and are specific to the 71233
participant's needs, including assistance with housing, 71234
transportation, child care, job training, obtaining a driver's 71235
license or state identification card, and any other matter 71236
considered relevant by the provider. 71237

(F) In the case of the drugs used for substance use disorder 71238
treatment provided under the Department's program, all of the 71239
following conditions apply: 71240

(1) A drug may be used only if the drug has been approved by 71241
the United States Food and Drug Administration for use in treating 71242
dependence on opioids, alcohol, or both; in preventing relapse 71243
into the use of opioids, alcohol, or both; or in providing 71244
services for withdrawal management or detoxification. 71245

(2) One or more drugs may be used, but each drug that is used 71246

must constitute either or both of the following: 71247

(a) Long-acting antagonist therapy, partial agonist therapy, 71248
or full agonist therapy; 71249

(b) Alpha-2 agonist therapy for withdrawal management or 71250
detoxification. 71251

(3) If a drug constituting partial or full agonist therapy is 71252
used, the program shall provide safeguards to minimize abuse and 71253
diversion of the drug, including such safeguards as routine drug 71254
testing of program participants. 71255

(G) It is anticipated and expected that MAT drug court 71256
programs will expand their ability to serve more drug court 71257
participants as a result of increased access to commercial or 71258
publicly funded health insurance. In order to ensure that funds 71259
appropriated to support the Department's program are used in the 71260
most efficient manner with a goal of enrolling the maximum number 71261
of participants, the Medicaid Director, in collaboration with 71262
major Ohio health care plans, shall develop plans consistent with 71263
this division. There shall be no prior authorizations or step 71264
therapy for program participants to have access to any drug 71265
included in the substance use disorder treatment provided under 71266
the Department's program. The plans developed under this division 71267
shall ensure all of the following: 71268

(1) The development of an efficient and timely process for 71269
review of eligibility for health benefits for all persons selected 71270
to participate in the program; 71271

(2) A rapid conversion to reimbursement for all health care 71272
services by the participant's health care plan following approval 71273
for coverage of health care benefits; 71274

(3) The development of a consistent benefit package that 71275
provides ready access to and reimbursement for essential health 71276
care services including, but not limited to, primary health care 71277

services, alcohol and opioid detoxification services and drugs 71278
used in providing those services, appropriate psychosocial 71279
services, and drugs used in providing long-acting injectable 71280
antagonist therapies, partial agonist therapies, and full agonist 71281
therapies; 71282

(4) The development of guidelines that require the provision 71283
of all treatment services, including medication, with minimal 71284
administrative barriers and within a time frame that meets the 71285
requirements of individual patient care plans. 71286

(H) Of the foregoing appropriation item 336422, Criminal 71287
Justice Services, up to \$5,000,000 in each fiscal year shall be 71288
used to support substance use disorder treatment, including 71289
medication-assisted treatment, services for withdrawal management 71290
or detoxification and drugs used in providing those services, and 71291
recovery supports for drug court specialized docket programs and 71292
to support the administrative expenses of courts and community 71293
addiction services providers participating in the program. 71294

Section 337.70. RECOVERY HOUSING 71295

The foregoing appropriation item 336424, Recovery Housing, 71296
shall be used to expand and support access to recovery housing as 71297
defined in section 340.01 of the Revised Code and in accordance 71298
with section 340.034 of the Revised Code. For expenditures that 71299
are capital in nature, the Department of Mental Health and 71300
Addiction Services shall develop procedures to administer these 71301
funds in a manner that is consistent with current community 71302
capital assistance guidelines. 71303

Section 337.80. SPECIALIZED DOCKET SUPPORT 71304

(A) The foregoing appropriation item 336425, Specialized 71305
Docket Support, shall be used to defray a portion of the annual 71306
payroll costs associated with the specialized docket of a common 71307

pleas court, municipal court, county court, juvenile court, or 71308
family court that meets all of the eligibility requirements in 71309
division (B) of this section, including a family dependency 71310
treatment docket. The foregoing appropriation item 336425, 71311
Specialized Docket Support, may also be used to defray costs 71312
associated with treatment services and recovery supports for 71313
participants. 71314

(B) To be eligible, the specialized docket must have received 71315
Supreme Court of Ohio initial or final certification and include 71316
participants with behavioral health needs in its target 71317
population. 71318

(C) Of the foregoing appropriation item 336425, Specialized 71319
Docket Support, the Department of Mental Health and Addiction 71320
Services shall use up to one per cent of the funds appropriated in 71321
each fiscal year to pay the cost it incurs in administering the 71322
duties established in this section. 71323

(D) The Department, in consultation with the Supreme Court of 71324
Ohio, may adopt funding distribution methodology, guidelines, and 71325
procedures as necessary to carry out the purposes of this section. 71326

Section 337.90. COMMUNITY INNOVATIONS 71327

The foregoing appropriation item 336504, Community 71328
Innovations, may be used by the Department of Mental Health and 71329
Addiction Services to make targeted investments in programs, 71330
projects, or systems operated by or under the authority of other 71331
state agencies, governmental entities, or private not-for-profit 71332
agencies that impact, or are impacted by, the operations and 71333
functions of the Department, with the goal of achieving a net 71334
reduction in expenditure of state general revenue funds and/or 71335
improved outcomes for Ohio citizens without a net increase in 71336
state general revenue fund spending. 71337

The Director shall identify and evaluate programs, projects, or systems proposed or operated, in whole or in part, outside of the authority of the Department, where targeted investment of these funds in the program, project, or system is expected to decrease demand for the Department or other resources funded with state general revenue funds, and/or to measurably improve outcomes for Ohio citizens with mental illness or with alcohol, drug, or gambling addictions. The Director shall have discretion to provide funds from this appropriation item to other state agencies, governmental entities, or private not-for-profit agencies in amounts, and subject to conditions, that the Director determines most likely to achieve state savings and/or improved outcomes. Distribution of funds from this appropriation item shall not be subject to sections 9.23 to 9.239 or Chapter 125. of the Revised Code.

The Department shall enter into an agreement with each recipient of community innovation funds, identifying: allowable expenditure of the funds; other commitment of funds or other resources to the program, project, or system; expected state savings and/or improved outcomes and proposed mechanisms for measurement of such savings or outcomes; and required reporting regarding expenditure of funds and savings or outcomes achieved.

Of the foregoing appropriation item 336504, Community Innovations, up to \$6,000,000 in each fiscal year shall be used for operating expenses that result in improved quality of life for adults with severe mental illness living in class two and class three residential facilities.

Of the foregoing appropriation item 336504, Community Innovations, up to \$4,000,000 in each fiscal year shall be used to provide funding for community projects across the state that focus on support for families, assisting families in avoiding crisis, and crisis intervention.

Of the foregoing appropriation item 336504, Community Innovations, up to \$3,500,000 in each fiscal year shall be used to support workforce development initiatives.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,500,000 in each fiscal year shall be used to improve behavioral health outcomes for racial and ethnic minorities.

Section 337.100. RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training and other supports for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and payment amounts under section 5119.41 of the Revised Code.

Section 337.110. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health credentialed counselors and consultation services, as well as administration and workforce development for the program.

Section 337.115. APPALACHIAN CHILDREN COALITION 71399

The foregoing appropriation item 336516, Appalachian Children 71400
Coalition, shall be provided to the Appalachian Children Coalition 71401
to address systemic challenges children face in southeast Ohio. 71402
The coalition shall use the funds as follows: \$600,000 in each 71403
fiscal year shall be used to provide funding for the training, 71404
hiring, and retention of entry-level child mental and behavioral 71405
health workers in school settings, and \$150,000 in each fiscal 71406
year shall be used to enhance child mental health outcomes, 71407
promote implementation of whole-child models of care, and to 71408
expand the mental health workforce in the region. 71409

Section 337.120. MEDICAID SUPPORT 71410

The foregoing appropriation item 652321, Medicaid Support, 71411
shall be used to fund specified Medicaid Services as delegated by 71412
the state's single agency responsible for the Medicaid Program. 71413

Section 337.125. COVID Response - Mental Health 71414

Of the foregoing appropriation item 336513, COVID Response - 71415
Mental Health, \$2,500,000 in each fiscal year shall be distributed 71416
to community behavioral health organizations certified by the 71417
Department of Mental Health and Addiction Services and used to 71418
develop and sustain workforce recruitment and retention 71419
initiatives and to offer supervision support. 71420

Section 337.130. SUBSTANCE ABUSE STABILIZATION CENTERS 71421

(A) The foregoing appropriation item 336600, Substance Abuse 71422
Stabilization Centers, shall be used to establish and administer, 71423
in collaboration with the other boards that serve the same state 71424
psychiatric hospital region, substance use stabilization centers 71425
or, upon approval from the Director of Mental Health and Addiction 71426

Services, boards may use these funds in conjunction with funds 71427
earmarked in division (C) of Section 337.40 of this act to 71428
establish and administer crisis stabilization centers that have 71429
the ability to serve individuals with substance use and/or mental 71430
health needs. There shall be a minimum of one center located in 71431
each state psychiatric hospital region. 71432

(B) Boards of alcohol, drug addiction, and mental health 71433
services shall submit to the Director of Mental Health and 71434
Addiction Services for approval a plan for establishing and 71435
administering crisis stabilization centers pursuant to division 71436
(A) of this section and division (C) of Section 337.40 of this act 71437
that meet the needs of individuals within their service districts. 71438

(C) As used in this section, "state psychiatric hospital 71439
regions" means the six districts into which the Department of 71440
Mental Health and Addiction Services has divided the state 71441
pursuant to division (B)(2) of section 5119.14 of the Revised 71442
Code. 71443

Section 337.140. ADAMHS BOARDS 71444

(A) Of the foregoing appropriation item 336643, ADAMHS 71445
Boards, \$5,000,000 in each fiscal year shall be allocated as 71446
follows: 71447

(1) Each board shall receive \$50,000 in each fiscal year for 71448
each of the counties that are part of the board's district. 71449

(2) Each board shall receive a percentage of any remaining 71450
amount to be determined by a formula developed by the Director of 71451
Mental Health and Addiction Services. 71452

(B) Of the foregoing appropriation item 336643, ADAMHS 71453
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 71454
a continuum of crisis stabilization and crisis prevention services 71455
and supports to allow individuals to be served in the least 71456

restrictive setting. 71457

(C) Boards of alcohol, drug addiction, and mental health 71458
services shall submit for approval by the Director of Mental 71459
Health and Addiction Services a plan for establishing and 71460
administering crisis services in conjunction with the plan 71461
submitted pursuant to division (D) of Section 337.40 and division 71462
(B) of Section 337.130 of this act. 71463

Section 337.150. PROBLEM GAMBLING AND CASINO ADDICTION 71464

A portion of appropriation item 336629, Problem Gambling and 71465
Casino Addiction, shall be allocated to boards of alcohol, drug 71466
addiction, and mental health services in accordance with a 71467
distribution methodology determined by the Director of Mental 71468
Health and Addiction Services. 71469

Section 337.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 71470
POOL 71471

A county family and children first council may establish and 71472
operate a flexible funding pool in order to assure access to 71473
needed services by families, children, and older adults in need of 71474
protective services. The operation of the flexible funding pools 71475
shall be subject to the following restrictions: 71476

(A) The county council shall establish and operate the 71477
flexible funding pool in accordance with formal guidance issued by 71478
the Family and Children First Cabinet Council; 71479

(B) The county council shall produce an annual report on its 71480
use of the pooled funds. The annual report shall conform to a 71481
format prescribed in the formal guidance issued by the Family and 71482
Children First Cabinet Council; 71483

(C) Unless otherwise restricted, funds transferred to the 71484
flexible funding pool may include state general revenues allocated 71485

to local entities to support the provision of services to families and children; 71486
71487

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and 71488
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(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation. 71492
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Section 337.170. ACCESS SUCCESS II PROGRAM 71496

To the extent cash is available, the Director of Budget and Management may transfer cash from a fund designated by the Medicaid Director, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated. 71497
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The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting. 71502
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Section 337.180. CASH TRANSFER FROM THE INDIGENT DRIVERS ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION FUND 71508
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On a schedule determined by the Director of Budget and Management, the Director of Mental Health and Addiction Services shall certify to the Director of Budget and Management the amount of excess license reinstatement fees that are available pursuant to division (F)(2)(c) of section 4511.191 of the Revised Code to 71511
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be transferred from the Indigent Drivers Alcohol Treatment Fund 71516
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 71517
4750). Upon certification, the Director of Budget and Management 71518
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 71519
to the Statewide Treatment and Prevention Fund. 71520

Section 337.190. TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 71521

The foregoing appropriation item 336515, Transcranial 71522
Magnetic Stimulation Program, shall be used for the transcranial 71523
magnetic stimulation program for veterans with substance use 71524
disorders or mental illness as described in section 5902.09 of the 71525
Revised Code. 71526

Section 337.200. The two-year licensing period established by 71527
section 5119.37 of the Revised Code, as amended by this act, does 71528
not affect the scheduled expiration date of an opioid treatment 71529
program license that was issued prior to the effective date of 71530
this section. If the license is renewed, the Department of Mental 71531
Health and Addiction Services shall renew the license for a 71532
two-year period. 71533

Section 339.10. MIH COMMISSION ON MINORITY HEALTH 71534

General Revenue Fund 71535

GRF	149321	Operating Expenses	\$	733,463	\$	767,026	71536
GRF	149501	Demonstration Grants	\$	852,606	\$	852,606	71537
GRF	149502	Lupus Program	\$	93,120	\$	93,120	71538
GRF	149503	Infant Mortality	\$	3,389,967	\$	3,356,404	71539

Health Grants

TOTAL GRF General Revenue Fund \$ 5,069,156 \$ 5,069,156 71540

Dedicated Purpose Fund Group 71541

4C20	149601	Minority Health	\$	35,000	\$	35,000	71542
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Conference

TOTAL DPF Dedicated Purpose Fund	\$	35,000	\$	35,000	71543
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,104,156	\$	5,104,156	71544
Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD					71546
Dedicated Purpose Fund Group					71547
4K90 865601 Operating Expenses	\$	636,389	\$	636,389	71548
TOTAL DPF Dedicated Purpose Fund	\$	636,389	\$	636,389	71549
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	636,389	\$	636,389	71550
Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES					71552
General Revenue Fund					71553
GRF 725401 Division of	\$	1,595,700	\$	1,595,700	71554
Wildlife-Operating					
Subsidy					
GRF 725413 Parks and Recreational	\$	64,000,000	\$	76,500,000	71555
Facilities Lease					
Rental Bond Payments					
GRF 725456 Canal Lands	\$	117,855	\$	117,855	71556
GRF 725505 Healthy Lake Erie	\$	900,000	\$	900,000	71557
Program					
GRF 725507 Coal and Mine Safety	\$	2,800,000	\$	2,900,000	71558
Programs					
GRF 725903 Natural Resources	\$	20,600,000	\$	23,000,000	71559
General Obligation					
Bond Debt Service					
GRF 727321 Division of Forestry	\$	6,965,023	\$	6,965,023	71560
GRF 729321 Office of Information	\$	181,478	\$	181,478	71561
Technology					
GRF 730321 Parks and Recreation	\$	39,829,739	\$	39,829,739	71562
GRF 736321 Division of	\$	2,035,650	\$	2,035,650	71563

		Engineering					
GRF	737321	Division of Water	\$	1,692,044	\$	1,692,044	71564
		Resources					
GRF	738321	Office of Real Estate	\$	728,322	\$	728,322	71565
		and Land Management					
GRF	741321	Division of Natural	\$	3,696,134	\$	3,696,134	71566
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	145,141,945	\$	160,141,945	71567
		Dedicated Purpose Fund Group					71568
2270	725406	Parks Projects	\$	2,009,943	\$	2,062,630	71569
		Personnel					
4300	725671	Canal Lands	\$	998,229	\$	1,002,531	71570
4S90	725622	NatureWorks Personnel	\$	341,177	\$	351,329	71571
4U60	725668	Scenic Rivers	\$	100,000	\$	100,000	71572
		Protection					
5090	725602	State Forest	\$	8,312,871	\$	8,312,871	71573
5110	725646	Ohio Geological	\$	8,599,989	\$	5,799,989	71574
		Mapping					
5110	725679	Geographic Information	\$	641,719	\$	646,449	71575
		System Centralized					
		Services					
5120	725605	State Parks Operations	\$	35,412,070	\$	35,412,070	71576
5140	725606	Lake Erie Shoreline	\$	2,446,910	\$	2,446,910	71577
5160	725620	Water Management	\$	3,007,006	\$	3,007,006	71578
5180	725643	Oil and Gas Regulation	\$	28,446,157	\$	29,523,770	71579
		and Safety					
5180	725677	Oil and Gas Well	\$	22,481,036	\$	22,849,836	71580
		Plugging					
5210	725627	Off-Road Vehicle	\$	460,000	\$	460,000	71581
		Trails					
5220	725656	Natural Areas and	\$	1,725,494	\$	1,582,122	71582
		Preserves					
5290	725639	Mining Regulation and	\$	4,750,000	\$	4,800,000	71583

		Safety					
5310	725648	Reclamation Forfeiture	\$	2,530,000	\$	2,530,000	71584
5CV1	725697	Coronavirus Relief DNR		2,500,000	\$	0	71585
		COVID Safety					
5EL0	725612	Wildlife Law	\$	12,000	\$	12,000	71586
		Enforcement					
5EM0	725613	Natural Resources Law	\$	34,000	\$	34,000	71587
		Enforcement					
5HK0	725625	Ohio Nature Preserves	\$	100,000	\$	100,000	71588
5P20	725634	Wildlife Boater Angler	\$	5,000,000	\$	5,000,000	71589
		Administration					
5TD0	725514	Park Maintenance	\$	1,481,150	\$	1,481,150	71590
6150	725661	Dam Safety	\$	1,166,602	\$	1,266,602	71591
6970	725670	Submerged Lands	\$	717,155	\$	717,155	71592
6H20	725681	H2Ohio	\$	25,000,000	\$	25,000,000	71593
7015	740401	Division of Wildlife	\$	65,482,330	\$	65,482,330	71594
		Conservation					
7086	725414	Waterways Improvement	\$	6,193,671	\$	6,193,671	71595
7086	739401	Watercraft Operations	\$	34,527,175	\$	34,007,086	71596
8150	725636	Cooperative Management	\$	650,000	\$	650,000	71597
		Projects					
8160	725649	Wetlands Habitat	\$	2,366,885	\$	966,885	71598
8170	725655	Wildlife Conservation	\$	2,000,000	\$	2,000,000	71599
		Checkoff					
8180	725629	Cooperative Fisheries	\$	1,500,000	\$	1,500,000	71600
		Research					
8190	725685	Ohio River Management	\$	150,000	\$	150,000	71601
81B0	725688	Wildlife Habitats	\$	2,000,000	\$	2,000,000	71602
TOTAL	DPF	Dedicated Purpose Fund	\$	273,143,569	\$	267,448,392	71603
		Group					
		Internal Service Activity Fund Group					71604
1550	725601	Departmental Projects	\$	1,800,392	\$	1,625,481	71605
1550	725676	Hocking Hills State	\$	3,000,000	\$	3,000,000	71606

		Park Lodge					
1570	725651	Program Support	\$	21,956,264	\$	22,290,566	71607
5100	725631	Maintenance -	\$	189,611	\$	189,611	71608
		State-owned					
		Residences					
TOTAL ISA		Internal Service Activity	\$	26,946,267	\$	27,105,658	71609
		Fund Group					
		Capital Projects Fund Group					71610
7061	725405	Clean Ohio Trail	\$	301,796	\$	301,796	71611
		Operating					
TOTAL CPF		Capital Projects Fund	\$	301,796	\$	301,796	71612
		Group					
		Fiduciary Fund Group					71613
4M80	725675	FOP Contract	\$	20,219	\$	20,219	71614
TOTAL FID		Fiduciary Fund Group	\$	20,219	\$	20,219	71615
		Holding Account Fund Group					71616
R017	725659	Performance Cash Bond	\$	554,730	\$	554,730	71617
		Refunds					
R043	725624	Forestry	\$	2,400,000	\$	2,400,000	71618
TOTAL HLD		Holding Account Fund	\$	2,954,730	\$	2,954,730	71619
		Group					
		Federal Fund Group					71620
3320	725669	Federal Mine Safety	\$	335,000	\$	335,000	71621
		Grant					
3B30	725640	Federal Forest	\$	500,000	\$	500,000	71622
		Pass-Thru					
3B40	725641	Federal Flood	\$	125,000	\$	125,000	71623
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	13,825,000	\$	14,145,000	71624
		Mine Lands					
3B60	725653	Federal Land and	\$	10,800,000	\$	10,800,000	71625
		Water Conservation					

		Grants				
3B70	725654	Reclamation -	\$	1,800,000	\$	1,800,000 71626
		Regulatory				
3P10	725632	Geological Survey -	\$	260,000	\$	260,000 71627
		Federal				
3P20	725642	Oil and Gas - Federal	\$	147,000	\$	147,000 71628
3P30	725650	Coastal Management -	\$	2,820,185	\$	2,820,185 71629
		Federal				
3P40	725660	Federal - Soil and	\$	251,310	\$	264,746 71630
		Water Resources				
3R50	725673	Acid Mine Drainage	\$	1,000,000	\$	1,000,000 71631
		Abatement/Treatment				
3Z50	725657	Federal Recreation	\$	3,159,175	\$	3,161,429 71632
		and Trails				
TOTAL FED	Federal Fund Group		\$	35,022,670	\$	35,358,360 71633
TOTAL ALL BUDGET FUND GROUPS			\$	483,531,196	\$	493,331,100 71634

Section 343.20. PROGRAM SUPPORT FUND 71636

The Department of Natural Resources shall use a methodology 71637
for determining each division's payments into the Program Support 71638
Fund (Fund 1570). The methodology used shall contain the 71639
characteristics of administrative ease and uniform application in 71640
compliance with federal grant requirements. It may include direct 71641
cost charges for specific services provided. Payments to Fund 1570 71642
shall be made using an intrastate transfer voucher. 71643

The foregoing appropriation item 725401, Division of 71644
Wildlife-Operating Subsidy, shall be used to pay the direct and 71645
indirect costs of the Division of Wildlife. 71646

PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 71647

The foregoing appropriation item 725413, Parks and 71648
Recreational Facilities Lease Rental Bond Payments, shall be used 71649
to meet all payments during the period from July 1, 2021, through 71650

June 30, 2023, by the Department of Natural Resources pursuant to 71651
leases and agreements made under section 154.22 of the Revised 71652
Code. These appropriations are the source of funds pledged for 71653
bond service charges on related obligations issued under Chapter 71654
154. of the Revised Code. 71655

HEALTHY LAKE ERIE PROGRAM 71656

The foregoing appropriation item 725505, Healthy Lake Erie 71657
Program, shall be used by the Director of Natural Resources, in 71658
support of the following: (1) conservation measures in the Western 71659
Lake Erie Basin as determined by the Director; (2) funding 71660
assistance for soil testing, winter cover crops, edge of field 71661
testing, tributary monitoring, animal waste abatement; and (3) any 71662
additional efforts to reduce nutrient runoff as the Director may 71663
decide. The Director shall give priority to recommendations that 71664
encourage farmers to adopt agricultural production guidelines 71665
commonly known as 4R nutrient stewardship practices. 71666

COAL AND MINE SAFETY PROGRAMS 71667

The foregoing appropriation item 725507, Coal and Mine Safety 71668
Programs, shall be used for the administration of the Mine Safety 71669
Program and the Coal Regulation Program. 71670

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 71671

The foregoing appropriation item 725903, Natural Resources 71672
General Obligation Bond Debt Service, shall be used to pay all 71673
debt service and related financing costs during the period July 1, 71674
2021, through June 30, 2023, on obligations issued under sections 71675
151.01 and 151.05 of the Revised Code. 71676

Section 343.30. OIL AND GAS WELL PLUGGING 71677

The foregoing appropriation item 725677, Oil and Gas Well 71678
Plugging, shall be used exclusively for the purposes of plugging 71679
wells and to properly restore the land surface of idle and orphan 71680

oil and gas wells pursuant to section 1509.071 of the Revised Code. This appropriation item shall not be used for salaries, maintenance, equipment, or other administrative purposes, except for those costs directly attributable to the plugging of an idle or orphan well. In addition, this appropriation item shall not be used to transfer cash to any other fund or appropriation item.

H2OHIO FUND

On July 1, 2022, or as soon as possible thereafter, the Director of Natural Resources may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item, 725681, H2Ohio, at the end of fiscal year 2022 to be reappropriated in fiscal year 2023. Upon Controlling Board approval, the amount certified is hereby reappropriated to the same appropriation item for fiscal year 2023.

WELL LOG FILING FEES

The Chief of the Division of Water Resources shall deposit fees forwarded to the Division pursuant to section 1521.05 of the Revised Code into the Water Management Fund (Fund 5160) for the purposes described in that section.

PARKS CAPITAL EXPENSES FUND

The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects within the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from Fund 7035 appropriation item C725E6, Project Planning, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital

Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 71712
reimbursed by Fund 7035 using an intrastate transfer voucher. 71713

NATUREWORKS CAPITAL EXPENSES FUND 71714

The Department of Natural Resources shall submit to the 71715
Director of Budget and Management the estimated design, planning, 71716
and engineering costs of capital-related work to be done by 71717
Department of Natural Resources staff for each capital improvement 71718
project within the Ohio Parks and Natural Resources Fund (Fund 71719
7031). If the Director of Budget and Management approves the 71720
estimated costs, the Director may release appropriations from Fund 71721
7031 appropriation item C725E5, Project Planning, for those 71722
purposes. Upon release of the appropriations, the Department of 71723
Natural Resources shall pay for these expenses from the Capital 71724
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 71725
reimbursed by Fund 7031 using an intrastate transfer voucher. 71726

PARK MAINTENANCE 71727

The foregoing appropriation item 725514, Park Maintenance, 71728
shall be used by the Department of Natural Resources to pay the 71729
costs of projects supported by the State Park Maintenance Fund 71730
(Fund 5TD0) under section 1501.08 of the Revised Code. 71731

On July 1 of each fiscal year or as soon as possible 71732
thereafter, the Director of Natural Resources shall certify the 71733
amount of five percent of the average of the previous five years 71734
of deposits in the State Park Fund (Fund 5120) to the Director of 71735
Budget and Management. The Director of Budget and Management may 71736
transfer up to \$1,600,000 from Fund 5120 to the State Park 71737
Maintenance Fund (Fund 5TD0). 71738

Section 343.50. CLEAN OHIO TRAIL OPERATING EXPENSES 71739

The foregoing appropriation item 725405, Clean Ohio Trail 71740
Operating, shall be used by the Department of Natural Resources in 71741

administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 71742
to section 1519.05 of the Revised Code. 71743

Section 345.10. NUR STATE BOARD OF NURSING 71744

Dedicated Purpose Fund Group 71745

4K90 884609 Operating Expenses \$ 11,378,121 \$ 11,689,893 71746

5AC0 884602 Nurse Education Grant \$ 1,513,000 \$ 1,513,000 71747
Program

5P80 884601 Nursing Special \$ 500 \$ 500 71748
Issues

TOTAL DPF Dedicated Purpose 71749

Fund Group \$ 12,891,621 \$ 13,203,393 71750

TOTAL ALL BUDGET FUND GROUPS \$ 12,891,621 \$ 13,203,393 71751

Section 347.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 71753
AND ATHLETIC TRAINERS BOARD 71754

Dedicated Purpose Fund Group 71755

4K90 890609 Operating Expenses \$ 1,168,045 \$ 1,168,045 71756

TOTAL DPF Dedicated Purpose Fund \$ 1,168,045 \$ 1,168,045 71757

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,168,045 \$ 1,168,045 71758

Section 353.10. OOD OPPORTUNITIES FOR OHIOANS WITH 71760
DISABILITIES AGENCY 71761

General Revenue Fund 71762

GRF 415402 Independent Living \$ 252,000 \$ 252,000 71763
Council

GRF 415406 Assistive Technology \$ 25,819 \$ 25,819 71764

GRF 415431 Brain Injury \$ 550,000 \$ 550,000 71765

GRF 415506 Services for \$ 18,418,244 \$ 18,418,244 71766
Individuals with
Disabilities

GRF	415508	Services for the Deaf	\$	27,580	\$	27,580	71767
GRF	415511	Centers for Independent Living	\$	450,000	\$	450,000	71768
GRF	415512	Visually Impaired Reading Services	\$	50,000	\$	50,000	71769
TOTAL GRF	General Revenue Fund		\$	19,773,643	\$	19,773,643	71770
Dedicated Purpose Fund Group							71771
4670	415609	Business Enterprise Operating Expenses	\$	1,545,498	\$	1,555,368	71772
4680	415618	Third Party Services Funding	\$	8,000,000	\$	8,000,000	71773
4L10	415619	Services for Rehabilitation	\$	3,000,000	\$	3,000,000	71774
TOTAL DPF	Dedicated Purpose Fund Group		\$	12,545,498	\$	12,555,368	71775
Internal Service Activity Fund Group							71776
4W50	415606	Program Management	\$	15,865,315	\$	16,138,415	71777
TOTAL ISA	Internal Service Activity Fund Group		\$	15,865,315	\$	16,138,415	71778
Federal Fund Group							71779
3170	415620	Disability Determination	\$	84,246,693	\$	85,518,074	71780
3790	415616	Federal - Vocational Rehabilitation	\$	129,098,355	\$	130,495,615	71781
3GH0	415602	Personal Care Assistance	\$	3,133,972	\$	3,139,040	71782
3GH0	415604	Community Centers for the Deaf	\$	950,000	\$	950,000	71783
3GH0	415613	Independent Living	\$	737,411	\$	737,411	71784
3L10	415608	Social Security Vocational Rehabilitation	\$	9,100,000	\$	9,100,000	71785

3L40 415615	Federal - Supported Employment	\$	850,000	\$	850,000	71786
3L40 415617	Independent Living Older Blind	\$	2,545,971	\$	1,733,658	71787
TOTAL FED	Federal Fund Group	\$	230,662,402	\$	232,523,798	71788
TOTAL ALL BUDGET	FUND GROUPS	\$	278,846,858	\$	280,991,224	71789

Section 353.20. INDEPENDENT LIVING 71791

The foregoing appropriation item 415402, Independent Living 71792
Council, shall be used to support the state independent living 71793
programs and centers under Title VII of the Independent Living 71794
Services and Centers for Independent Living of the Rehabilitation 71795
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 71796

Of the foregoing appropriation item 415402, Independent 71797
Living Council, \$67,662 in each fiscal year shall be used as state 71798
matching funds for vocational rehabilitation innovation and 71799
expansion activities. 71800

The foregoing appropriation item 415511, Centers for 71801
Independent Living, shall be used to support the operations of the 71802
Centers for Independent Living in accordance with the State Plan 71803
for Independent Living. 71804

ASSISTIVE TECHNOLOGY 71805

The foregoing appropriation item 415406, Assistive 71806
Technology, shall be provided to Assistive Technology of Ohio to 71807
provide grants and assistive technology services for people with 71808
disabilities in the State of Ohio. 71809

BRAIN INJURY 71810

The foregoing appropriation item 415431, Brain Injury, shall 71811
be provided to The Ohio State University College of Medicine to 71812
support the Brain Injury Program established under section 3335.60 71813
of the Revised Code. 71814

SERVICES FOR INDIVIDUALS WITH DISABILITIES 71815

In addition to funding the general vocational rehabilitation 71816
program, the foregoing appropriation item 415506, Services for 71817
Individuals with Disabilities, shall be used as state match to: 71818
continue partnerships with certified drug courts to expand access 71819
to employment through vocational rehabilitation services and 71820
increase employment outcomes that promote recovery and 71821
rehabilitation; continue partnerships with community colleges and 71822
state universities to ensure college students with disabilities 71823
can compete for in-demand jobs in tomorrow's labor market and 71824
increase the median earnings of individuals who obtain employment; 71825
create paid on-the-job work experiences for eligible candidates 71826
placed in state agencies to develop work skills needed to pursue 71827
permanent employment and increase the number of individuals with 71828
disabilities employed in state government; and increase access to 71829
vocational rehabilitation services for eligible students enrolled 71830
at the Ohio State School for the Blind and the Ohio School for the 71831
Deaf that will prepare students who are blind or deaf for 71832
transition to college or employment. 71833

SERVICES FOR THE DEAF 71834

The foregoing appropriation item 415508, Services for the 71835
Deaf, shall be used to support community centers for the deaf. 71836

VISUALLY IMPAIRED READING SERVICES 71837

The foregoing appropriation item 415512, Visually Impaired 71838
Reading Services, shall be used to support VOICEcorps Reading 71839
Services to provide reading services for blind individuals. 71840

SIGHT CENTERS 71841

Of the foregoing appropriation item 415617, Independent 71842
Living Older Blind, \$30,000 in each fiscal year shall be used to 71843
contract in equal amounts with the Cleveland Sight Center, the 71844
Cincinnati Association for the Blind and Visually Impaired, and 71845

the Sight Center of Northwest Ohio to provide independent living 71846
 services to the community of individuals with blindness or low 71847
 vision. 71848

Section 361.10. PEN PENSION SUBSIDIES 71849

General Revenue Fund 71850

GRF 090524 Police and Fire \$ 1,000 \$ 1,000 71851
 Disability Pension
 Fund

GRF 090534 Police and Fire Ad \$ 22,000 \$ 22,000 71852
 Hoc Cost of Living

GRF 090554 Police and Fire \$ 201,000 \$ 201,000 71853
 Survivor Benefits

GRF 090575 Police and Fire Death \$ 35,000,000 \$ 35,250,000 71854
 Benefits

TOTAL GRF General Revenue Fund \$ 35,224,000 \$ 35,474,000 71855

TOTAL ALL BUDGET FUND GROUPS \$ 35,224,000 \$ 35,474,000 71856

Section 361.20. POLICE AND FIRE DEATH BENEFIT FUND 71858

The foregoing appropriation item 090575, Police and Fire 71859
 Death Benefits, shall be disbursed quarterly by the Treasurer of 71860
 State at the beginning of each quarter of each fiscal year to the 71861
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 71862
 serves as trustees of the Ohio Public Safety Officers Death 71863
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 71864
 Treasurer of State shall certify such amounts quarterly to the 71865
 Director of Budget and Management. By the twentieth day of June of 71866
 each fiscal year, the Board of Trustees shall certify to the 71867
 Treasurer of State the amount disbursed in the current fiscal year 71868
 to make the payments required by sections 124.824 and 742.63 of 71869
 the Revised Code and shall return to the Treasurer of State moneys 71870
 received from this appropriation item but not disbursed. 71871

Notwithstanding any provision of section 124.824 of the Revised Code to the contrary, for each death benefit fund recipient who participates in health, medical, hospital, dental, surgical, or vision benefits under section 124.824 of the Revised Code, the Board of Trustees of the Ohio Police and Fire Pension Fund shall forward as a pass-through from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits, the percentage of the cost for the applicable benefits that would be paid by a state employer for a state employee who elects that coverage and any applicable administrative costs, which shall not exceed two per cent of the total cost of the benefits. The Board of Trustees shall also withhold from the benefits paid to a death benefit fund recipient under section 742.63 of the Revised Code the percentage of the cost for such benefits that would be paid by a state employee, and forward the withheld amounts to the Department of Administrative Services from the revenue received from the foregoing appropriation item 090575, Police and Fire Death Benefits.

In fiscal year 2022 or 2023, if it is determined by the Director of Administrative Services, in consultation with the Chairperson of the Board of Trustees of the Ohio Police and Fire Pension Fund, or designee, that additional amounts are necessary to pay the cost of providing benefits under section 124.824 or 742.63 of the Revised Code, the Director of Administrative Services may certify the additional amount necessary to the Director of Budget and Management. The amount certified is hereby appropriated.

Section 363.10. UST PETROLEUM UNDERGROUND STORAGE TANK
RELEASE COMPENSATION BOARD
Dedicated Purpose Fund Group
6910 810632 Petroleum Underground \$ 1,470,292 \$ 1,489,689

Storage Tank Release				
Compensation Board -				
Operating				
TOTAL DPF Dedicated Purpose Fund Group	\$	1,470,292	\$	1,489,689 71903
TOTAL ALL BUDGET FUND GROUPS	\$	1,470,292	\$	1,489,689 71904

Section 367.10. PRX STATE BOARD OF PHARMACY 71906

Dedicated Purpose Fund Group				71907
4A50 887605 Drug Law Enforcement	\$	50,000	\$	50,000 71908
4K90 658605 OARRS Integration - STATE	\$	265,000	\$	265,000 71909
4K90 887609 Operating Expenses	\$	11,750,000	\$	12,200,000 71910
5SG0 887612 Drug Database	\$	100,000	\$	100,000 71911
5SY0 887613 Medical Marijuana Control Program	\$	3,150,000	\$	3,250,000 71912
TOTAL DPF Dedicated Purpose Fund Group	\$	15,315,000	\$	15,865,000 71913
Federal Fund Group				71914
3HD0 887614 Pharmacy Federal Grants	\$	1,050,000	\$	1,050,000 71915
3HH0 658601 OARRS Integration - Federal	\$	2,500,000	\$	2,500,000 71916
3HM0 887615 Equitable Sharing Treasury	\$	5,000	\$	5,000 71917
3HN0 887616 Equitable Sharing Justice	\$	30,000	\$	30,000 71918
TOTAL FED Federal Fund Group	\$	3,585,000	\$	3,585,000 71919
TOTAL ALL BUDGET FUND GROUPS	\$	18,900,000	\$	19,450,000 71920

Section 369.10. PSY STATE BOARD OF PSYCHOLOGY 71922

Dedicated Purpose Fund Group				71923
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4K90 882609	Operating Expenses	\$	679,000	\$	696,000	71924
TOTAL DPF Dedicated Purpose						71925
Fund Group		\$	679,000	\$	696,000	71926
TOTAL ALL BUDGET FUND GROUPS						71927

Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION 71929

General Revenue Fund 71930

GRF 019401	State Legal Defense	\$	6,044,609	\$	6,119,884	71931
	Services					

GRF 019403	Multi-County: State	\$	4,580,944	\$	4,741,277	71932
	Share					

GRF 019404	Trumbull County -	\$	1,457,872	\$	1,508,898	71933
	State Share					

GRF 019405	Training Account	\$	50,000	\$	50,000	71934
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GRF 019501	County Reimbursement	\$	133,104,000	\$	137,112,000	71935
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TOTAL GRF General Revenue Fund						71936
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Dedicated Purpose Fund Group 71937

1010 019607	Juvenile Legal	\$	205,000	\$	205,000	71938
	Assistance					

4060 019603	Training and	\$	25,000	\$	25,000	71939
	Publications					

4070 019604	County Representation	\$	285,000	\$	285,000	71940
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4080 019605	Client Payments	\$	737,389	\$	737,389	71941
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4C70 019601	Multi-County: County	\$	149,879	\$	272,016	71942
	Share					

4N90 019613	Gifts and Grants	\$	13,440	\$	13,440	71943
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4X70 019610	Trumbull County -	\$	47,699	\$	86,568	71944
	County Share					

5740 019606	Civil Legal Aid	\$	14,500,000	\$	14,500,000	71945
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5CX0 019617	Civil Case Filing Fee	\$	542,904	\$	602,904	71946
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5DY0 019618	Indigent Defense	\$	25,896,000	\$	27,888,000	71947
	Support - County					

	Share				
5DY0 019619	Indigent Defense	\$	6,684,000	\$	6,684,000
	Support - State				
	Office				
TOTAL DPF	Dedicated Purpose Fund	\$	49,086,311	\$	51,299,317
Group					
Federal Fund Group					71950
3S80 019608	Federal	\$	38,315	\$	38,315
	Representation				
TOTAL FED	Federal Fund Group	\$	38,315	\$	38,315
TOTAL ALL BUDGET FUND GROUPS		\$	194,362,051	\$	200,869,691

INSUFFICIENT OPERATING EXPENSES FUNDING 71954

If it is determined by the State Public Defender that the 71955
amounts appropriated to fund the operating expenses of the Public 71956
Defender Commission are insufficient in either fiscal year 2022 or 71957
fiscal year 2023, the Director of Budget and Management, upon 71958
written request of the State Public Defender, may approve for the 71959
applicable fiscal year an appropriation transfer of up to \$100,000 71960
from appropriation item 019501, County Reimbursement, to 71961
appropriation item 019401, State Legal Defense Services, for the 71962
purpose of funding the operating expenses of the Public Defender 71963
Commission. 71964

INDIGENT DEFENSE OFFICE 71965

The foregoing appropriation items 019404, Trumbull County - 71966
State Share, and 019610, Trumbull County - County Share, shall be 71967
used to support an indigent defense office for Trumbull County. 71968

MULTI-COUNTY OFFICE 71969

The foregoing appropriation items 019403, Multi-County: State 71970
Share, and 019601, Multi-County: County Share, shall be used to 71971
support the Office of the Ohio Public Defender's Multi-County 71972
Branch Office Program. 71973

TRAINING ACCOUNT 71974

The foregoing appropriation item 019405, Training Account, 71975
shall be used by the Ohio Public Defender to provide legal 71976
training programs at no cost for private appointed counsel who 71977
represent at least one indigent defendant at no cost, and for 71978
state and county public defenders and attorneys who contract with 71979
the Ohio Public Defender to provide indigent defense services. 71980

ADOPTION PROCEEDINGS 71981

Notwithstanding any provision of law to the contrary, of the 71982
foregoing appropriation item 019501, County Reimbursement, 71983
\$3,000,000 in each fiscal year shall be used to reimburse counties 71984
for the costs and expenses of providing legal representation to 71985
indigent persons in adoption proceedings. 71986

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID 71987
FUND 71988

On July 1 of each fiscal year, or as soon as possible 71989
thereafter, the Director of Budget and Management shall transfer 71990
\$500,000 cash from the General Revenue Fund to the Legal Aid Fund 71991
(Fund 5740). The transferred cash shall be distributed by the Ohio 71992
Access to Justice Foundation to Ohio's civil legal aid societies 71993
as follows: \$250,000 in each fiscal year for the sole purpose of 71994
providing legal services for economically disadvantaged 71995
individuals and families seeking assistance with legal issues 71996
arising as a result of substance abuse disorders, and \$250,000 in 71997
each fiscal year for the sole purpose of providing legal services 71998
for veterans. None of the funds shall be used for administrative 71999
costs, including, but not limited to, salaries, benefits, or 72000
travel reimbursements. 72001

FEDERAL REPRESENTATION 72002

The foregoing appropriation item 019608, Federal 72003
Representation, shall be used to support representation provided 72004

by the Ohio Public Defender in federal court cases. 72005

Section 373.10. DPS DEPARTMENT OF PUBLIC SAFETY 72006

General Revenue Fund 72007

GRF 761403 Recovery Ohio Law \$ 13,075,000 \$ 13,155,000 72008
Enforcement

GRF 763403 EMA Operating \$ 5,878,897 \$ 5,868,428 72009

GRF 763512 Ohio Task Force One \$ 250,000 \$ 250,000 72010

GRF 763513 Security Grants \$ 4,250,000 \$ 4,250,000 72011

GRF 767420 Investigative Unit \$ 14,545,000 \$ 14,875,000 72012
Operating

GRF 768425 Justice Program \$ 13,320,000 \$ 13,350,000 72013
Services

GRF 769406 Homeland Security - \$ 3,376,000 \$ 3,455,000 72014
Operating

GRF 769407 Youthful Driver \$ 500,000 \$ 500,000 72015
Safety

GRF 769501 School Safety \$ 2,705,500 \$ 2,705,500 72016

TOTAL GRF General Revenue Fund \$ 57,900,397 \$ 58,408,928 72017

Dedicated Purpose Fund Group 72018

4P60 768601 Justice Program \$ 226,500 \$ 226,500 72019
Services

4V30 763662 EMA Service and \$ 665,000 \$ 590,000 72020
Reimbursements

5330 763601 State Disaster Relief \$ 1,875,000 \$ 1,875,000 72021

5B90 766632 Private Investigator \$ 2,035,000 \$ 2,035,000 72022
and Security Guard
Provider

5BK0 768687 Criminal Justice \$ 550,000 \$ 550,000 72023
Services - Operating

5BK0 768689 Family Violence \$ 1,550,000 \$ 1,550,000 72024
Shelter Programs

5CV1	763691	Coronavirus Relief-DPS	\$	29,000,000	\$	0	72025
5ET0	768625	Drug Law Enforcement	\$	4,000,000	\$	4,000,000	72026
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$	850,946	\$	850,946	72027
5ML0	769635	Infrastructure Protection	\$	80,000	\$	80,000	72028
5RH0	767697	OIU Special Projects	\$	900,000	\$	900,000	72029
5RS0	768621	Community Police Relations	\$	1,150,000	\$	1,150,000	72030
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$	10,000	\$	10,000	72031
6220	767615	Investigative, Contraband, and Forfeiture	\$	1,000,000	\$	1,000,000	72032
6570	763652	Utility Radiological Safety	\$	1,368,624	\$	1,378,304	72033
6810	763653	SARA Title III Hazmat Planning	\$	287,310	\$	287,994	72034
TOTAL	DPF	Dedicated Purpose Fund Group	\$	45,548,380	\$	16,483,744	72035
Federal Fund Group							72036
3370	763515	COVID Relief - Federal	\$	150,000,000	\$	150,000,000	72037
3370	763609	Federal Disaster Relief	\$	69,948,672	\$	69,948,672	72038
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	30,000	\$	30,000	72039
3GL0	768619	Justice Assistance Grants - FFY15	\$	12,500,000	\$	12,500,000	72040

3GT0	767691	Investigative Unit	\$	100,000	\$	100,000	72041
		Federal Equity Share					
3GU0	769610	Investigations Grants	\$	1,400,000	\$	1,400,000	72042
		- Food Stamps, Liquor					
		and Tobacco Laws					
3GU0	769631	Homeland Security	\$	800,000	\$	800,000	72043
		Disaster Grants					
3HT0	768699	Coronavirus Emergency	\$	5,000,000	\$	850,000	72044
		Support Funding					
3L50	768604	Justice Program	\$	12,600,000	\$	12,600,000	72045
TOTAL FED		Federal Fund Group	\$	252,378,672	\$	248,228,672	72046
TOTAL ALL BUDGET FUND GROUPS			\$	355,827,449	\$	323,121,344	72047

Section 373.20. RECOVERY OHIO LAW ENFORCEMENT 72049

Of the foregoing appropriation item 761403, Recovery Ohio Law 72050
 Enforcement, up to \$6,575,000 in fiscal year 2022 and \$6,655,000 72051
 in fiscal year 2023 may be used to operate and maintain a highly 72052
 specialized Narcotics Intelligence Center consisting of personnel 72053
 assigned to intelligence and computer forensic analysis that will 72054
 assist Ohio narcotics task forces and law enforcement agencies. 72055

Of the foregoing appropriation item 761403, Recovery Ohio Law 72056
 Enforcement, up to \$3,400,000 in each fiscal year may be used by 72057
 the Office of Criminal Justice Services to support local law 72058
 enforcement narcotics task forces that focus on cartel trafficking 72059
 interdiction. The interdiction task forces shall be designated 72060
 Ohio Organized Crime Commission task forces subject to approval 72061
 and supervision of the Commission. This earmarked amount may also 72062
 be used to provide funding to local law enforcement agencies, the 72063
 Commission for task force related equipment purchases, and for 72064
 operating expenses of the Office of Criminal Justice Services 72065
 related to the narcotics interdiction task force program. 72066

Of the foregoing appropriation item 761403, Recovery Ohio Law 72067

Enforcement, up to \$2,500,000 in each fiscal year may be used by 72068
the Office of Criminal Justice Services for Ohio's narcotics task 72069
forces in order to build new and strengthen existing partnerships 72070
with local law enforcement. This earmarked amount may also be used 72071
to provide funding to local law enforcement agencies and for 72072
operating expenses of the Office of Criminal Justice Services 72073
related to the Ohio narcotics task force program. 72074

Of the foregoing appropriation item 761403, Recovery Ohio Law 72075
Enforcement, up to \$600,000 in each fiscal year may be used to 72076
partner with the Office of Information Technology in the 72077
Department of Administrative Services to enhance and maintain a 72078
uniform records management and data intelligence system, and 72079
provide case management, collaboration, data sharing, and data 72080
analytics tools for Ohio narcotics task forces and law enforcement 72081
agencies. 72082

LAKE COUNTY EMERGENCY MANAGEMENT AGENCY 72083

Of the foregoing appropriation item 763403, EMA Operating, 72084
\$300,000 in fiscal year 2022 shall be distributed to the Lake 72085
County Emergency Management Agency to improve wireless and 72086
microwave communication for emergency operations. 72087

OHIO TASK FORCE ONE 72088

The foregoing appropriation item 763512, Ohio Task Force One, 72089
shall be distributed to the Ohio Task Force One - Urban Search and 72090
Rescue Unit for the purpose of paying for its operating expenses 72091
and developing new programs. 72092

JUSTICE PROGRAM SERVICES 72093

Of the foregoing appropriation item 768425, Justice Program 72094
Services, up to \$5,000,000 in each fiscal year shall be used by 72095
the Office of Criminal Justice Services to administer and 72096
distribute grants to state and local law enforcement agencies to 72097
implement or enhance body-worn camera programs. 72098

Of the foregoing appropriation item 768425, Justice Program 72099
Services, up to \$4,000,000 in each fiscal year shall be used by 72100
the Office of Criminal Justice Services to administer and 72101
distribute grants to state and local law enforcement agencies to 72102
assist local communities in reducing and preventing crime through 72103
the use of promising or proven crime reduction strategies. The use 72104
of the grants includes, but is not limited to, overtime, 72105
equipment, technical assistance, and analytical support to 72106
implement crime reduction strategies. The disbursement of the 72107
grants requires approval by the Controlling Board. 72108

Of the foregoing appropriation item 768425, Justice Program 72109
Services, up to \$1,000,000 in each fiscal year shall be used by 72110
the Office of Criminal Justice Services to distribute grants to 72111
state and/or local law enforcement to conduct investigations on 72112
sexual assault kit testing results and related expenses. 72113

Of the foregoing appropriation item 768425, Justice Program 72114
Services, up to \$500,000 in each fiscal year shall be used by the 72115
Office of Criminal Justice Services to support state and local law 72116
enforcement agencies in the recruitment, hiring, and training of 72117
qualified individuals to serve as peace officers. 72118

Of the foregoing appropriation item 768425, Justice Program 72119
Services, up to \$200,000 in each fiscal year shall be used by the 72120
Office of Criminal Justice Services to implement recommendations 72121
of the Governor's Warrant Task Force. 72122

YOUTHFUL DRIVER SAFETY 72123

The foregoing appropriation item 769407, Youthful Driver 72124
Safety, shall be used to enhance driver training for a statewide 72125
youthful driver safety program. The program will use best 72126
practices and technology to focus on behind-the-wheel driver 72127
training for drivers aged sixteen to twenty-four in order to 72128
reduce the number of at-fault youthful fatal car crashes. 72129

SCHOOL SAFETY 72130

The foregoing appropriation item 769501, School Safety, shall 72131
be used by the Department of Public Safety for the operations of 72132
the Ohio School Safety Center, including maintaining and promoting 72133
the Safer Ohio Schools Tip Line and assisting local schools and 72134
first responders in preventing, preparing for, and responding to 72135
threats and acts of violence, including self-harm, through a 72136
holistic, solutions-based approach to improving school safety. 72137

LOCAL DISASTER ASSISTANCE 72138

An amount equal to the unexpended, unencumbered balance of 72139
appropriation item 763511, Local Disaster Assistance, at the end 72140
of fiscal year 2021 is hereby reappropriated for the April 17, 72141
2018, and April 8, 2019, Major Disaster Declarations for fiscal 72142
year 2022. 72143

An amount equal to the unexpended, unencumbered balance of 72144
appropriation item 763511, Local Disaster Assistance, at the end 72145
of fiscal year 2022 is hereby reappropriated for the April 17, 72146
2018, and April 8, 2019, Major Disaster Declarations for fiscal 72147
year 2023. 72148

STATE DISASTER RELIEF 72149

On July 1 of each fiscal year, or as soon as possible 72150
thereafter, the Director of Budget and Management may transfer 72151
\$1,875,000 cash from the Disaster Services Fund (Fund 5E20) to the 72152
State Disaster Relief Fund (Fund 5330) to be used to pay for 72153
estimated program administrative costs and Emergency Operations 72154
Center activation costs for that fiscal year. 72155

The State Disaster Relief Fund (Fund 5330) may accept 72156
transfers of cash or appropriations from Controlling Board 72157
appropriation items for the Ohio Emergency Management Agency 72158
disaster response costs and disaster program management costs, and 72159
may also be used for the following purposes: 72160

(A) To accept transfers of cash or appropriations from 72161
Controlling Board appropriation items for Ohio Emergency 72162
Management Agency recovery and mitigation program match costs to 72163
reimburse eligible local governments and private nonprofit 72164
organizations for costs related to disasters; 72165

(B) To accept transfers of cash or appropriations from 72166
Controlling Board appropriation items to cover costs incurred and 72167
to reimburse government entities for Emergency Management 72168
Assistance Compact (EMAC) missions; 72169

(C) To accept disaster related reimbursement from federal, 72170
state, and local governments. The Director of Budget and 72171
Management may transfer cash from reimbursements received by this 72172
fund to other funds of the state from which transfers were 72173
originally approved by the Controlling Board. 72174

(D) To accept transfers of cash or appropriations from 72175
Controlling Board appropriation items to fund the State Disaster 72176
Relief Program, for disasters that qualify for the program by 72177
written authorization of the Governor, and the State Individual 72178
Assistance Program for disasters that have been declared by the 72179
federal Small Business Administration and that qualify for the 72180
program by written authorization from the Governor. 72181

(E) The State Disaster Relief Fund (Fund 5330) may accept, 72182
hold, administer, and expend any cash received from a gift, 72183
donation, bequest, devise, or contribution. 72184

Section 373.30. TRANSFER FROM STATE FIRE MARSHAL FUND TO 72185
EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND 72186

On July 1 of each fiscal year, or as soon as possible 72187
thereafter, the Director of Budget and Management shall transfer 72188
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 72189
Emergency Management Agency Service and Reimbursement Fund (Fund 72190

4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

DRUG LAW ENFORCEMENT FUND

Notwithstanding division (D) of section 5502.68 of the Revised Code, in each of fiscal years 2022 and 2023, the cumulative amount of funding provided to any single drug task force out of the Drug Law Enforcement Fund (Fund 5ET0) may not exceed \$500,000 in any calendar year.

COMMUNITY POLICE RELATIONS

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

SECURITY GRANTS

(A) The foregoing appropriation item 763513, Security Grants, shall be used to make competitive grants of up to \$100,000 to nonprofit organizations, houses of worship, chartered nonpublic schools, and licensed preschools for eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism, to acquire or retain the

services of a resource officer, special duty police officer, or 72221
licensed armed security guards, or for the purchase of qualified 72222
equipment, including equipment for emergency and crisis 72223
communication, crisis management, or trauma and crisis response to 72224
assist in preventing, preparing for, or responding to acts of 72225
terrorism. 72226

The Emergency Management Agency shall allow for a portion of 72227
the funds granted to acquire or retain the services of a resource 72228
officer, special duty police officer, or licensed armed security 72229
guard to be used for training, licensing, or certification of such 72230
as resource officers. 72231

(B) The Emergency Management Agency shall administer and 72232
award the grants described in division (A) of this section. The 72233
Agency shall establish procedures and forms by which applicants 72234
may apply for a grant, a competitive process for ranking 72235
applicants and awarding the grants, and procedures for 72236
distributing grants to recipients. The procedures shall require 72237
each applicant to do all of the following: 72238

(1) Identify and substantiate prior threats or attacks by a 72239
terrorist organization, network, or cell against the nonprofit 72240
organization, house of worship, chartered nonpublic school, or 72241
licensed preschool; 72242

(2) Indicate the symbolic or strategic value of one or more 72243
sites that renders the site a possible target of terrorism; 72244

(3) Discuss potential consequences to the organization if the 72245
site is damaged, destroyed, or disrupted by a terrorist; 72246

(4) Describe how the grant will be used to integrate 72247
organizational preparedness with broader state and local 72248
preparedness efforts; 72249

(5) Submit either a vulnerability assessment conducted by 72250
experienced security, law enforcement, or military personnel, or a 72251

credible intelligence and threat analysis from one or more 72252
qualified homeland security, counterintelligence, or 72253
anti-terrorism experts, and a description of how the grant will be 72254
used to address the vulnerabilities identified in the assessment. 72255

The Agency shall consider all of the above factors in 72256
evaluating grant applications. The grantee shall have twenty-four 72257
months from the date of the first disbursement to meet program 72258
requirements. 72259

The Emergency Management Agency may prioritize a portion of 72260
funding, but not more than \$1,000,000 in each fiscal year, for 72261
innovative community-public safety partnerships addressing 72262
counterterrorism prevention, provided the grantee is eligible to 72263
receive the grant as a nonprofit organization that is at risk of 72264
terror attack. 72265

(C) Any grant submission described in division (I) of section 72266
3313.536 of the Revised Code or section 149.433 of the Revised 72267
Code is not a public record under section 149.43 of the Revised 72268
Code and is not subject to mandatory release or disclosure under 72269
that section. 72270

(D) The Emergency Management Agency may use up to two and 72271
one-half per cent of the total amount appropriated to administer 72272
the program, a portion of which may be used to pay costs incurred 72273
by the Department of Public Safety to provide security-related or 72274
specialized assistance in reviewing vulnerability assessments and 72275
prioritizing grant applications. 72276

(E) As used in this section: 72277

(1) "Eligible security improvements" means any of the 72278
following: 72279

(a) Physical security enhancement equipment or inspection and 72280
screening equipment included on the Authorized Equipment List 72281
published by the United States Department of Homeland Security; 72282

(b) Attendance fees and associated materials, supplies, and 72283
equipment costs for security-related training courses and programs 72284
regarding the protection of critical infrastructure and key 72285
resources, physical and cyber security, target hardening, or 72286
terrorism awareness or preparedness. Personnel and travel costs 72287
associated with training shall not be considered an eligible 72288
expense of the grant; 72289

(c) The purchase, upgrade, or maintenance of high-speed 72290
internet for those utilizing it for security purposes. 72291

(2) "Nonprofit organization" means a corporation, 72292
association, group, institution, society, or other organization 72293
that is exempt from federal income taxation under section 72294
501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 72295
26 U.S.C. 501(c)(3), as amended. 72296

(3) "Resource officer" means any law enforcement officer of 72297
an accredited local law enforcement agency providing special duty 72298
services in a school setting to create or maintain a safe, secure, 72299
and orderly environment. A resource officer may include a special 72300
duty police officer, off-duty police officer, deputy sheriff, or 72301
other peace officer of the applicable local law enforcement agency 72302
in which the chartered nonpublic school or licensed preschool is 72303
located or qualifying personnel of an accredited local law 72304
enforcement agency for any jurisdiction in this state. 72305

(4) "Terrorism" means any act taken by a group or individual 72306
used to intimidate or coerce a nonprofit organization, house of 72307
worship, chartered nonpublic school, or licensed preschool, its 72308
employees, and anyone who is or in the future may be associated 72309
with it, as well as their families; to influence the policy of the 72310
nonprofit organization, house of worship, chartered nonpublic 72311
school, or licensed preschool; and to affect the conduct of the 72312
nonprofit organization, house of worship, chartered nonpublic 72313
school, or licensed preschool. 72314

(F) Effective July 1, 2021, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 763514, Security Grants - Personnel, and reestablish them against appropriation item 763513, Security Grants. The reestablished encumbrance amounts are hereby appropriated.

(G) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2021 is hereby reappropriated for the same purpose in fiscal year 2022.

(H) An amount equal to the unexpended, unencumbered balance of the foregoing appropriation item 763513, Security Grants, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023.

Section 375.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO

Dedicated Purpose Fund Group				72330
4A30	870614	Grade Crossing Protection Devices-State	\$ 2,200,000 \$ 2,200,000	72331
4L80	870617	Pipeline Safety-State	\$ 346,253 \$ 346,253	72332
5610	870606	Power Siting Board	\$ 1,205,185 \$ 1,205,185	72333
5F60	870622	Utility and Railroad Regulation	\$ 36,615,760 \$ 36,615,760	72334
5F60	870624	NARUC/NRRI Subsidy	\$ 85,000 \$ 85,000	72335
5LT0	870640	Intrastate Registration	\$ 195,000 \$ 195,000	72336
5LT0	870641	Unified Carrier Registration	\$ 450,000 \$ 450,000	72337
5LT0	870643	Non-hazardous Materials Civil Forfeiture	\$ 299,942 \$ 299,942	72338

5LT0	870644	Hazardous Materials Civil Forfeiture	\$	1,165,000	\$	1,165,000	72339
5LT0	870645	Motor Carrier Enforcement	\$	4,919,696	\$	4,919,696	72340
5Q50	870626	Telecommunications Relay Service	\$	3,000,000	\$	3,000,000	72341
5QR0	870646	Underground Facilities Protection	\$	50,000	\$	50,000	72342
5QS0	870647	Underground Facilities Administration	\$	316,000	\$	316,000	72343
TOTAL DPF		Dedicated Purpose Fund Group	\$	50,847,836	\$	50,847,836	72344
		Federal Fund Group					72345
3330	870601	Gas Pipeline Safety	\$	1,397,959	\$	1,397,959	72346
3500	870608	Motor Carrier Safety	\$	10,082,069	\$	10,082,069	72347
3500	870648	Motor Carrier Administration High Priority Activities Grants and Cooperative Agreements	\$	450,000	\$	450,000	72348
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	21,000	\$	0	72349
TOTAL FED		Federal Fund Group	\$	11,951,028	\$	11,930,028	72350
TOTAL ALL		BUDGET FUND GROUPS	\$	62,798,864	\$	62,777,864	72351
		Section 377.10. PWC PUBLIC WORKS COMMISSION					72353
		General Revenue Fund					72354
GRF	150904	Conservation General Obligation Bond Debt Service	\$	50,500,000	\$	53,500,000	72355

GRF 150907	Infrastructure	\$ 246,500,000	\$ 237,000,000	72356
	Improvement General			
	Obligation Bond Debt			
	Service			
TOTAL GRF	General Revenue Fund	\$ 297,000,000	\$ 290,500,000	72357
	Capital Projects Fund Group			72358
7038 150321	State Capital	\$ 937,244	\$ 946,036	72359
	Improvements Program			
	- Operating Expenses			
7056 150403	Clean Ohio	\$ 304,822	\$ 307,922	72360
	Conservation			
	Operating			
TOTAL CPF	Capital Projects Fund	\$ 1,242,066	\$ 1,253,958	72361
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 298,242,066	\$ 291,753,958	72362

Section 377.20. CONSERVATION GENERAL OBLIGATION BOND DEBT 72364
SERVICE 72365

The foregoing appropriation item 150904, Conservation General 72366
Obligation Bond Debt Service, shall be used to pay all debt 72367
service and related financing costs during the period from July 1, 72368
2021, through June 30, 2023, on obligations issued under sections 72369
151.01 and 151.09 of the Revised Code. 72370

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 72371
SERVICE 72372

The foregoing appropriation item 150907, Infrastructure 72373
Improvement General Obligation Bond Debt Service, shall be used to 72374
pay all debt service and related financing costs during the period 72375
from July 1, 2021, through June 30, 2023, on obligations issued 72376
under sections 151.01 and 151.08 of the Revised Code. 72377

CLEAN OHIO CONSERVATION OPERATING 72378

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District

Administration Costs Program without the approval of those costs 72410
 by the district public works committee under section 164.04 of the 72411
 Revised Code. 72412

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 72413

The Director of the Public Works Commission is authorized to 72414
 create a District Administration Costs Program for districts 72415
 represented by natural resource assistance councils. This program 72416
 shall be funded from proceeds of the Clean Ohio Conservation Fund. 72417
 The program shall be used by natural resource assistance councils 72418
 in order to provide for administration costs of the nineteen 72419
 natural resource assistance councils for the direct costs of 72420
 council administration. Councils choosing to participate in this 72421
 program may be eligible for up to \$15,000 per fiscal year from its 72422
 district allocation as provided in section 164.27 of the Revised 72423
 Code. 72424

The Director shall define allowable and non-allowable costs 72425
 for the purpose of the District Administration Costs Program. 72426
 Non-allowable costs include indirect costs, elected official 72427
 salaries and benefits, and project-specific costs. 72428

Section 379.10. RAC STATE RACING COMMISSION 72429

Dedicated Purpose Fund Group 72430

5620	875601	Thoroughbred	\$	1,200,000	\$	1,200,000	72431
		Development					
5630	875602	Standardbred	\$	1,550,000	\$	1,550,000	72432
		Development					
5650	875604	Racing Commission	\$	4,070,948	\$	4,070,948	72433
		Operating					
5JK0	875610	Horse Racing	\$	8,512,095	\$	8,512,095	72434
		Development-Casino					
5NL0	875611	Revenue	\$	8,200,000	\$	8,200,000	72435

Redistribution					
TOTAL DPF Dedicated Purpose Fund Group	\$	23,533,043	\$	23,533,043	72436
Fiduciary Fund Group					72437
5C40 875607 Simulcast Horse	\$	7,000,000	\$	7,000,000	72438
Racing Purse					
TOTAL FID Fiduciary Fund Group	\$	7,000,000	\$	7,000,000	72439
Holding Account Fund Group					72440
R021 875605 Bond Reimbursements	\$	100,000	\$	100,000	72441
TOTAL HLD Holding Account Fund Group	\$	100,000	\$	100,000	72442
TOTAL ALL BUDGET FUND GROUPS	\$	30,633,043	\$	30,633,043	72443
 Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION					72445
General Revenue Fund					72446
GRF 235321 Operating Expenses	\$	5,742,147	\$	5,914,411	72447
GRF 235402 Sea Grants	\$	299,250	\$	299,250	72448
GRF 235406 Articulation and Transfer	\$	1,818,947	\$	1,873,515	72449
GRF 235408 Midwest Higher Education Compact	\$	116,725	\$	118,476	72450
GRF 235414 Grants and Scholarship Administration	\$	850,729	\$	876,251	72451
GRF 235417 Technology Maintenance and Operations	\$	3,530,641	\$	3,636,561	72452
GRF 235428 Appalachian New Economy Workforce Partnership	\$	2,728,000	\$	2,728,000	72453
GRF 235438 Choose Ohio First Scholarship	\$	22,500,000	\$	25,500,000	72454
GRF 235443 Adult Basic and Literacy Education -	\$	7,083,344	\$	7,083,344	72455

	State				
GRF 235444	Ohio Technical Centers	\$ 21,310,120	\$ 21,810,120	72456	
GRF 235474	Area Health Education Centers Program	\$ 838,342	\$ 873,000	72457	
	Support				
GRF 235492	Campus Safety and Training	\$ 612,000	\$ 630,360	72458	
GRF 235493	Shawnee State University Autism Spectrum Disorder Student Support Program	\$ 125,000	\$ 125,000	72459	
GRF 235501	State Share of Instruction - Universities and Regional Campuses	\$ 1,582,613,811	\$ 1,597,298,400	72460	
GRF 235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$ 14,000,000	\$ 15,500,000	72461	
GRF 235507	OhioLINK	\$ 5,654,164	\$ 5,752,427	72462	
GRF 235508	Air Force Institute of Technology	\$ 1,724,219	\$ 1,763,387	72463	
GRF 235510	Ohio Supercomputer Center	\$ 4,294,160	\$ 4,422,984	72464	
GRF 235511	The Ohio State University Extension Service	\$ 23,952,913	\$ 24,354,677	72465	
GRF 235514	Central State Supplement	\$ 11,551,202	\$ 11,685,515	72466	
GRF 235515	Case Western Reserve University School of Medicine	\$ 1,957,994	\$ 2,038,940	72467	

GRF 235519	Family Practice	\$	2,888,463	\$	3,007,876	72468
GRF 235520	Shawnee State Supplement	\$	4,636,500	\$	5,409,250	72469
GRF 235525	Geriatric Medicine	\$	476,350	\$	496,043	72470
GRF 235526	Primary Care Residencies	\$	1,368,428	\$	1,425,000	72471
GRF 235533	Program and Project Support	\$	325,000	\$	325,000	72472
GRF 235535	Ohio Agricultural Research and Development Center	\$	34,895,612	\$	35,493,396	72473
GRF 235536	The Ohio State University Clinical Teaching	\$	8,820,830	\$	9,185,494	72474
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,895,012	\$	8,334,944	72475
GRF 235538	University of Toledo Clinical Teaching	\$	5,654,890	\$	5,888,670	72476
GRF 235539	Wright State University Clinical Teaching	\$	2,747,255	\$	2,860,830	72477
GRF 235540	Ohio University Clinical Teaching	\$	2,655,855	\$	2,765,651	72478
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,731,544	\$	2,844,469	72479
GRF 235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$	450,000	\$	500,000	72480
GRF 235546	Central State Agricultural Research	\$	3,782,130	\$	3,782,130	72481

	and Development				
GRF 235548	Central State Cooperative Extension Services	\$	3,744,568	\$	3,744,568 72482
GRF 235552	Capital Component	\$	1,584,491	\$	1,584,491 72483
GRF 235555	Library Depositories	\$	1,310,702	\$	1,326,762 72484
GRF 235556	Ohio Academic Resources Network	\$	2,915,605	\$	2,978,512 72485
GRF 235558	Long-term Care Research	\$	296,767	\$	309,035 72486
GRF 235563	Ohio College Opportunity Grant	\$	102,756,352	\$	108,500,000 72487
GRF 235569	The Ohio State University College of Veterinary Medicine Supplement	\$	4,000,000	\$	5,000,000 72488
GRF 235572	The Ohio State University Clinic Support	\$	699,296	\$	728,206 72489
GRF 235578	Federal Research Network	\$	4,950,000	\$	4,950,000 72490
GRF 235586	State Share of Instruction - Community and Technical Colleges	\$	474,064,305	\$	478,463,002 72491
GRF 235591	Co-Op Internship Program	\$	1,375,000	\$	1,375,000 72492
GRF 235595	Commercial Truck Driver Student Aid Program	\$	2,500,000	\$	2,500,000 72493
GRF 235598	Rural University Program	\$	400,000	\$	400,000 72494
GRF 235599	National Guard	\$	19,000,000	\$	19,000,000 72495

		Scholarship Program					
GRF 235909		Higher Education	\$	331,000,000	\$	301,000,000	72496
		General Obligation					
		Bond Debt Service					
TOTAL GRF		General Revenue Fund	\$	2,743,228,663	\$	2,748,462,947	72497
		Dedicated Purpose Fund Group					72498
2200 235614		Program Approval and	\$	800,485	\$	825,000	72499
		Reauthorization					
4560 235603		Sales and Services	\$	199,250	\$	199,250	72500
4E80 235602		Higher Educational	\$	63,000	\$	65,000	72501
		Facility Commission					
		Administration					
5D40 235675		Conference/Special	\$	1,000,000	\$	1,000,000	72502
		Purposes					
5FR0 235650		State and Non-Federal	\$	1,402,150	\$	1,402,150	72503
		Grants and Award					
5P30 235663		Variable Savings Plan	\$	8,049,501	\$	8,159,165	72504
6450 235664		Guaranteed Savings	\$	1,035,116	\$	1,047,209	72505
		Plan					
6820 235606		Nursing Loan Program	\$	1,116,842	\$	1,116,842	72506
TOTAL DPF		Dedicated Purpose Fund	\$	13,666,344	\$	13,814,616	72507
		Group					
		Bond Research and Development Fund Group					72508
7011 235634		Research Incentive	\$	5,000,000	\$	5,000,000	72509
		Third Frontier					
7014 235639		Research Incentive	\$	3,000,000	\$	3,000,000	72510
		Third Frontier - Tax					
TOTAL BRD		Bond Research and	\$	8,000,000	\$	8,000,000	72511
		Development Fund Group					
		Federal Fund Group					72512
3120 235577		Education, Research,	\$	25,691	\$	25,691	72513
		Development, and					

		Dissemination				
3120	235611	Gear-up Grant	\$	2,000,000	\$	2,000,000 72514
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000 72515
		Grant/Plan				
		Administration				
3120	235641	Adult Basic and	\$	17,600,000	\$	17,600,000 72516
		Literacy Education -				
		Federal				
3BG0	235651	Gear Up Grant	\$	1,750,000	\$	1,750,000 72517
		Scholarships				
3HQ0	235509	GEER - Higher	\$	16,190,000	\$	0 72518
		Education Initiatives				
3N60	235658	John R. Justice	\$	70,000	\$	70,000 72519
		Student Loan				
		Repayment Program				
TOTAL FED	Federal Fund Group		\$	38,985,691	\$	22,795,691 72520
TOTAL ALL BUDGET FUND GROUPS			\$	2,803,880,698	\$	2,793,073,254 72521

Section 381.20. SEA GRANTS 72523

The foregoing appropriation item 235402, Sea Grants, shall be 72524
 used to match federal dollars and leverage additional support by 72525
 The Ohio State University's Sea Grant program, including Stone 72526
 Laboratory, for research, education, and outreach to enhance the 72527
 economic value, public utilization, and responsible management of 72528
 Lake Erie and Ohio's coastal resources. 72529

Section 381.30. ARTICULATION AND TRANSFER 72530

The foregoing appropriation item 235406, Articulation and 72531
 Transfer, shall be used by the Chancellor of Higher Education to 72532
 maintain and expand the work of the Articulation and Transfer 72533
 Network Advisory Council to develop a system of transfer policies 72534
 to ensure that students at state institutions of higher education 72535
 can transfer and have coursework apply to their majors and degrees 72536

at any other state institution of higher education without 72537
unnecessary duplication or institutional barriers under sections 72538
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 72539

Section 381.40. MIDWEST HIGHER EDUCATION COMPACT 72540

The foregoing appropriation item 235408, Midwest Higher 72541
Education Compact, shall be distributed by the Chancellor of 72542
Higher Education under section 3333.40 of the Revised Code. 72543

Section 381.50. GRANTS AND SCHOLARSHIP ADMINISTRATION 72544

The foregoing appropriation item 235414, Grants and 72545
Scholarship Administration, shall be used by the Chancellor of 72546
Higher Education to manage and administer student financial aid 72547
programs created by the General Assembly and grants for which the 72548
Department of Higher Education is responsible. The appropriation 72549
item also shall be used to support all state financial aid audits 72550
and student financial aid programs created by Congress, and to 72551
provide fiscal and administrative services for the Ohio National 72552
Guard Scholarship Program. 72553

Section 381.60. TECHNOLOGY MAINTENANCE AND OPERATIONS 72554

The foregoing appropriation item 235417, Technology 72555
Maintenance and Operations, shall be used by the Chancellor of 72556
Higher Education to support the development and implementation of 72557
information technology solutions designed to improve the 72558
performance and capacity of the Department of Higher Education. 72559
The information technology solutions may be provided by the Ohio 72560
Technology Consortium (OH-TECH). Funds may also be used by the 72561
Chancellor for strategic initiatives not related to technology to 72562
address higher education needs in the state. 72563

Of the foregoing appropriation item 235417, Technology 72564
Maintenance and Operations, a portion in each fiscal year may be 72565

used by the Chancellor to support the continued implementation of 72566
eStudent Services, a consortium organized under division (T) of 72567
section 3333.04 of the Revised Code to expand access to dual 72568
enrollment opportunities for high school students, as well as 72569
adult and higher education opportunities through technology. The 72570
funds shall be used by eStudent Services to develop and promote 72571
learning and assessment through the use of technology, to test and 72572
provide advice on emerging learning-directed technologies, to 72573
facilitate cost-effectiveness through shared educational 72574
technology investments, and for any other strategic priorities of 72575
the Chancellor of Higher Education. 72576

Of the foregoing appropriation item 235417, Technology 72577
Maintenance and Operations, a portion in each fiscal year shall be 72578
used by the Chancellor to implement a high priority data 72579
warehouse, advanced analytics, and visualization integration 72580
services associated with the Higher Education Information (HEI) 72581
system. The services may be facilitated by OH-TECH. 72582

Of the foregoing appropriation item 235417, Technology 72583
Maintenance and Operations, \$150,000 in each fiscal year shall be 72584
used to support Ohio Reach to provide mentoring and support 72585
services to former foster youth attending college. 72586

Section 381.70. APPALACHIAN NEW ECONOMY WORKFORCE PARTNERSHIP 72587

Of the foregoing appropriation item 235428, Appalachian New 72588
Economy Workforce Partnership, \$500,000 in each fiscal year shall 72589
be allocated to the Mahoning Valley Innovation and 72590
Commercialization Center. 72591

The remainder of the foregoing appropriation item 235428, 72592
Appalachian New Economy Workforce Partnership, shall be 72593
distributed to Ohio University to continue a multi-campus and 72594
multi-agency coordinated effort to link Appalachia to the new 72595
economy. Ohio University shall use these funds to provide 72596

leadership in the development and implementation of initiatives in 72597
the areas of entrepreneurship, management, education, and 72598
technology. 72599

Section 381.80. CHOOSE OHIO FIRST SCHOLARSHIP 72600

The foregoing appropriation item 235438, Choose Ohio First 72601
Scholarship, shall be used to operate the program prescribed in 72602
sections 3333.60 to 3333.69 of the Revised Code. 72603

During each fiscal year, the Chancellor of Higher Education, 72604
as soon as possible after cancellation, may certify to the 72605
Director of Budget and Management the amount of canceled 72606
prior-year encumbrances in appropriation item 235438, Choose Ohio 72607
First Scholarship. Upon receipt of the certification, the Director 72608
of Budget and Management may transfer cash, up to the certified 72609
amount, from the General Revenue Fund to the Choose Ohio First 72610
Scholarship Reserve Fund (Fund 5PV0). 72611

Section 381.90. ASPIRE 72612

The foregoing appropriation item 235443, Adult Basic and 72613
Literacy Education - State, shall be used to support the Aspire 72614
program. The supported programs shall satisfy the state match and 72615
maintenance of effort requirements for the state-administered 72616
grant program. 72617

Section 381.100. OHIO TECHNICAL CENTERS FUNDING 72618

The foregoing appropriation item 235444, Ohio Technical 72619
Centers, shall be used by the Chancellor of Higher Education to 72620
support post-secondary adult career-technical education. The 72621
Chancellor shall provide coordination for Ohio Technical Centers 72622
through program approval processes, data collection of program and 72623
student outcomes, and subsidy disbursements from the foregoing 72624
appropriation item 235444, Ohio Technical Centers. 72625

(A)(1) As soon as possible in each fiscal year, in accordance with instructions of the Chancellor, each Ohio Technical Center shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's files, to the Chancellor.

(a) In defining the number of full-time equivalent students for state subsidy purposes, the Chancellor shall exclude all students who are not residents of Ohio.

(b) A full-time equivalent student shall be defined as a student who completes 450 hours. Those students that complete some portion of 450 hours shall be counted as a partial full-time equivalent for funding purposes, while students that complete more than 450 hours shall be counted as proportionally greater than one full-time equivalent.

(c) In calculating each Ohio Technical Center's full-time equivalent students, the Chancellor shall use a three-year average.

(d) Ohio Technical Centers shall operate with, or be an active candidate for, accreditation by an accreditor authorized by the United States Department of Education to be eligible to receive subsidies from the foregoing appropriation item 235444, Ohio Technical Centers.

(2) In each fiscal year, 25 per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete a post-secondary technical workforce training program approved by the Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, 20 per cent of the allocation for Ohio Technical Centers shall be distributed based on the

proportion of each Center's full-time equivalent students to the 72657
total full-time equivalent students who complete 50 per cent of a 72658
program of study as a measure of student retention. 72659

(4) In each fiscal year, 50 per cent of the allocation for 72660
Ohio Technical Centers shall be distributed based on the 72661
proportion of each Center's full-time equivalent students to the 72662
total full-time equivalent students who have found employment, 72663
entered military service, or enrolled in additional post-secondary 72664
education and training in accordance with the placement 72665
definitions of the Strengthening Career and Technical Education 72666
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 72667
calculation for eligible full-time equivalent students shall be 72668
based on the per cent of Perkins placements for students who have 72669
completed at least 50 per cent of a program of study. 72670

(5) In each fiscal year, five per cent of the allocation for 72671
Ohio Technical Centers shall be distributed based on the 72672
proportion of each Center's full-time equivalent students to the 72673
total full-time equivalent students who have earned a credential 72674
from an industry-recognized third party. 72675

(B) Of the foregoing appropriation item 235444, Ohio 72676
Technical Centers, up to 2.38 per cent in each fiscal year may be 72677
distributed by the Chancellor to the Ohio Central School System, 72678
up to \$48,000 in each fiscal year may be utilized for assistance 72679
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 72680
year may be distributed by the Chancellor to Ohio Technical 72681
Centers that provide customized training and business consultation 72682
services with matching local dollars, with preference to 72683
industries on the in-demand jobs list created under section 72684
6301.11 of the Revised Code, industries in regionally emerging 72685
fields, or local businesses and industries. Each center meeting 72686
this requirement shall receive at least \$25,000 but not more than 72687
a maximum amount determined by the Chancellor. 72688

(C) The remainder of the foregoing appropriation item 235444, 72689
Ohio Technical Centers, in each fiscal year shall be distributed 72690
in accordance with division (A) of this section. 72691

(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL 72692
CENTERS 72693

(1) In each fiscal year, no Ohio Technical Center shall 72694
receive performance funding calculated under division (A) of this 72695
section, excluding funding for third party credentials calculated 72696
under division (A)(5) of this section, that is less than 50 per 72697
cent of the average allocation the Center received, excluding 72698
funding for third party credentials, in the three prior fiscal 72699
years. 72700

(2) In order to ensure that no Center receives less than the 72701
amounts identified for each fiscal year in accordance with 72702
division (D)(1) of this section, funds shall be made available to 72703
support the phase-in allocation by proportionally reducing formula 72704
earnings from each Center not receiving phase-in funding. 72705

Section 381.110. AREA HEALTH EDUCATION CENTERS PROGRAM 72706
SUPPORT 72707

The foregoing appropriation item 235474, Area Health 72708
Education Centers Program Support, shall be used by the Chancellor 72709
of Higher Education to support the medical school regional area 72710
health education centers' educational programs for the continued 72711
support of medical and other health professions education and for 72712
support of the Area Health Education Center Program. 72713

Section 381.120. CAMPUS SAFETY AND TRAINING 72714

The foregoing appropriation item 235492, Campus Safety and 72715
Training, shall be used by the Chancellor of Higher Education for 72716
the purpose of developing model best practices for preventing and 72717
responding to power and gender-based violence on campus. The 72718

Chancellor, in consultation with state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, shall continue to develop model best practices in line with emerging trends, research, and evidence-based training for preventing and responding to power and gender-based violence and protecting students and staff who are victims of power and gender-based violence on campus. The Chancellor shall convene state institutions of higher education and private nonprofit institutions of higher education in the training and implementation of best practices regarding campus power and gender-based violence.

Section 381.140. STATE SHARE OF INSTRUCTION FORMULAS

The Chancellor of Higher Education shall establish procedures to allocate the foregoing appropriation items 235501, State Share of Instruction - Universities and Regional Campuses, and 235586, State Share of Instruction - Community and Technical Colleges, based on the formulas detailed in this section that utilize the enrollment, course completion, degree attainment, and student achievement factors reported annually by each state institution of higher education participating in the Higher Education Information (HEI) system.

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE COMPLETIONS

(1) As soon as possible during each fiscal year of the biennium ending June 30, 2023, in accordance with instructions of the Department of Higher Education, each state institution of higher education shall report its actual data, consistent with the definitions in the Higher Education Information (HEI) system's enrollment files, to the Chancellor of Higher Education.

(2) In defining the number of full-time equivalent students 72750
for state subsidy instructional cost purposes, the Chancellor 72751
shall exclude all undergraduate students who are not residents of 72752
Ohio or who do not meet the definition of residency for state 72753
subsidy and tuition surcharge purposes, except those charged 72754
in-state fees in accordance with reciprocity agreements made under 72755
section 3333.17 of the Revised Code or employer contracts entered 72756
into under section 3333.32 of the Revised Code. 72757

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 72758

For purposes of calculating state share of instruction 72759
allocations, the total instructional costs per full-time 72760
equivalent student shall be: 72761

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	\$9,482	\$9,663	72762
ARTS AND HUMANITIES 2	\$13,675	\$13,936	72763
ARTS AND HUMANITIES 3	\$16,402	\$16,715	72764
ARTS AND HUMANITIES 4	\$24,051	\$24,511	72765
ARTS AND HUMANITIES 5	\$42,322	\$43,131	72766
ARTS AND HUMANITIES 6	\$40,174	\$40,942	72767
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	\$9,167	\$9,342	72768
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	\$9,756	\$9,943	72769
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$12,701	\$12,944	72770
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$14,599	\$14,878	72771
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$23,626	\$24,077	72772
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$26,009	\$26,507	72773
BUSINESS, EDUCATION &	\$36,053	\$36,742	72774
			72775

SOCIAL SCIENCES 7			
DOCTORAL 1	\$49,062	\$50,000	72776
DOCTORAL 2	\$53,655	\$54,681	72777
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$9,077	\$9,251	72778
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$11,912	\$12,139	72779
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$13,624	\$13,884	72780
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$15,737	\$16,038	72781
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,380	\$19,750	72782
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	\$21,044	\$21,446	72783
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	\$25,629	\$26,119	72784
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	\$40,444	\$41,217	72785
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	\$54,427	\$55,467	72786

 Doctoral I and Doctoral II models shall be allocated in 72787
accordance with division (D)(2) of this section. 72788

 Medical I and Medical II models shall be allocated in 72789

accordance with divisions (D)(3) and (D)(4) of this section. 72790

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, 72791
 AND GRADUATE WEIGHTS 72792

For the purpose of implementing the recommendations of the 72793
 2006 State Share of Instruction Consultation and the Higher 72794
 Education Funding Study Council that priority be given to 72795
 maintaining state support for science, technology, engineering, 72796
 mathematics, medicine, and graduate programs, the costs in 72797
 division (B) of this section shall be weighted by the amounts 72798
 provided below: 72799

Model	Fiscal Year 2022	Fiscal Year 2023	
ARTS AND HUMANITIES 1	1.0000	1.0000	72800
ARTS AND HUMANITIES 2	1.0000	1.0000	72801
ARTS AND HUMANITIES 3	1.0000	1.0000	72802
ARTS AND HUMANITIES 4	1.0000	1.0000	72803
ARTS AND HUMANITIES 5	1.0425	1.0425	72804
ARTS AND HUMANITIES 6	1.0425	1.0425	72805
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	72806
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	72807
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	72808
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	72809
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	72810
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	72811
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	72812
DOCTORAL 1	1.0000	1.0000	72813
			72814

DOCTORAL 2	1.0000	1.0000	72815
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	72816
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	72817
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	72818
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	72819
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	1.4222	1.4222	72820
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6	1.8798	1.8798	72821
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7	1.4380	1.4380	72822
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8	1.5675	1.5675	72823
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.1361	1.1361	72824
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			72825
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			72826
(1) Of the foregoing appropriation item 235501, State Share			72827
of Instruction - Universities and Regional Campuses, 50 per cent			72828
in each fiscal year shall be reserved for support of associate,			72829

baccalaureate, master's, and professional level degree attainment. 72830

The degree attainment funding shall be allocated to 72831
universities in proportion to each campus's share of the total 72832
statewide degrees granted, weighted by the cost of the degree 72833
programs. The degree cost calculations shall include the model 72834
cost weights for the science, technology, engineering, 72835
mathematics, and medicine models as established in division (C) of 72836
this section. 72837

For degrees including credits earned at multiple 72838
institutions, degree attainment funding shall be allocated to 72839
universities in proportion to each campus's share of the 72840
student-specific cost of earned credits for the degree. Each 72841
institution shall receive its prorated share of degree funding for 72842
credits earned at that institution. Cost of credits not earned at 72843
a university main or regional campus shall be credited to the 72844
degree-granting institution for the first degree earned by a 72845
student at each degree level. The cost credited to the 72846
degree-granting institution shall not be eligible for at-risk 72847
weights and shall be limited to 12.5 per cent of the 72848
student-specific degree costs. However, the 12.5 per cent 72849
limitation shall not apply if the student transferred 12 or fewer 72850
credits into the degree granting institution. 72851

In calculating the subsidy entitlements for degree attainment 72852
for universities, the Chancellor shall use the following count of 72853
degrees and degree costs: 72854

(a) The subsidy eligible undergraduate degrees shall be 72855
defined as follows: 72856

(i) The subsidy eligible degrees conferred to students 72857
identified as residents of the state of Ohio in any term of their 72858
studies, as reported through the Higher Education Information 72859
(HEI) system student enrollment file, shall be weighted by a 72860

factor of 1. 72861

(ii) The subsidy eligible degrees conferred to students 72862
identified as out-of-state residents during all terms of their 72863
studies, as reported through the Higher Education Information 72864
(HEI) system student enrollment file, who remain in the state of 72865
Ohio at least one year after graduation, as calculated based on 72866
the three-year average in-state residency rate using the 72867
Unemployment Wage data for out-of-state graduates at each 72868
institution, shall be weighted by a factor of 50 per cent. 72869

(iii) Subsidy eligible associate degrees are defined as those 72870
earned by students attending any state-supported university main 72871
or regional campus. 72872

(b) In calculating each campus's count of degrees, the 72873
Chancellor shall use the three-year average associate, 72874
baccalaureate, master's, and professional degrees awarded for the 72875
most recent completed three-year period that is practicable as 72876
agreed to by the Inter-University Council and the Chancellor. 72877

(i) If a student is awarded an associate degree and, 72878
subsequently, is awarded a baccalaureate degree, the amount funded 72879
for the baccalaureate degree shall be limited to either the 72880
difference in cost between the cost of the baccalaureate degree 72881
and the cost of the associate degree paid previously, or if the 72882
associate degree has a higher cost than the baccalaureate degree, 72883
the cost of the credits earned by the student after the associate 72884
degree was awarded. 72885

(ii) If a student earns an associate degree then, 72886
subsequently, earns a baccalaureate degree, the associate degree 72887
granting institution shall only receive the prorated share of the 72888
baccalaureate degree funding for the credits earned at that 72889
institution after the associate degree is awarded. 72890

(iii) If a student earns more than one degree at the same 72891

institution at the same degree level in the same fiscal year, the 72892
funding for the highest cost degree shall be prorated among 72893
institutions based on where the credits were earned and additional 72894
degrees shall be funded at 25 per cent of the cost of the degrees. 72895

(c) Associate degrees and baccalaureate degrees earned by a 72896
student defined as at-risk based on academic underpreparation, 72897
age, minority status, financial status, or first generation 72898
post-secondary status based on neither parent completing any 72899
education beyond high school, shall be defined as degrees earned 72900
by an at-risk student and shall be weighted by the following: 72901

A student-specific degree completion weight, where the weight 72902
is calculated based on the at-risk factors of the individual 72903
student, determined by calculating the difference between the 72904
percentage of students with each risk factor who earned a degree 72905
and the percentage of non-at-risk students who earned a degree. 72906

(2) Of the foregoing appropriation item 235501, State Share 72907
of Instruction - Universities and Regional Campuses, up to 11.78 72908
per cent in each fiscal year shall be reserved for support of 72909
doctoral programs to implement the funding recommendations made by 72910
representatives of the universities. The amount so reserved shall 72911
be referred to as the doctoral set-aside. 72912

In each fiscal year, the doctoral set-aside funding 72913
allocation shall be allocated to universities as follows: 72914

(a) 25 per cent of the doctoral set-aside shall be allocated 72915
to universities in proportion to their share of the statewide 72916
total earnings of each state institution's three-year average 72917
course completions. The subsidy eligible enrollments by model 72918
shall equal only those FTE students who successfully complete the 72919
course as defined and reported through the Higher Education 72920
Information (HEI) system course enrollment file. Course completion 72921
earnings shall be determined by multiplying the amounts listed 72922

above in divisions (B) and (C) of this section by the 72923
subsidy-eligible FTEs for the most recent completed three-year 72924
period that is practicable as agreed to by the Inter-University 72925
Council and the Chancellor for all doctoral enrollments in 72926
graduate-level models. 72927

(b) 50 per cent of the doctoral set-aside shall be allocated 72928
to universities in proportion to each campus's share of the total 72929
statewide doctoral degrees, weighted by the cost of the doctoral 72930
discipline. In calculating each campus's doctoral degrees the 72931
Chancellor shall use the three-year average doctoral degrees 72932
awarded for the most recent completed three-year period that is 72933
practicable as agreed to by the Inter-University Council and the 72934
Chancellor. 72935

(c) 25 per cent of the doctoral set-aside shall be allocated 72936
to universities in proportion to their share of research grant 72937
activity. Funding for this component shall be allocated to 72938
eligible universities in proportion to their share of research 72939
grant activity published by the National Science Foundation. Grant 72940
awards from the Department of Health and Human Services shall be 72941
weighted at 50 per cent. 72942

(3) Of the foregoing appropriation item 235501, State Share 72943
of Instruction - Universities and Regional Campuses, 6.41 per cent 72944
in each fiscal year shall be reserved for support of Medical II 72945
FTEs. The amount so reserved shall be referred to as the medical 72946
II set-aside. 72947

The medical II set-aside shall be allocated to universities 72948
in proportion to their share of the statewide total of each state 72949
institution's three-year average Medical II FTEs as calculated in 72950
division (A) of this section. 72951

In calculating the core subsidy entitlements for Medical II 72952
models only, students repeating terms may be no more than five per 72953

cent of current year enrollment. 72954

(4) Of the foregoing appropriation item 235501, State Share 72955
of Instruction - Universities and Regional Campuses, 1.48 per cent 72956
in each fiscal year shall be reserved for support of Medical I 72957
FTEs. The amount so reserved shall be referred to as the medical I 72958
set-aside. 72959

The medical I set-aside shall be allocated to universities in 72960
proportion to their share of the statewide total of each state 72961
institution's three-year average Medical I FTEs as calculated in 72962
division (A) of this section. 72963

(5) In calculating the course completion funding for 72964
universities, the Chancellor shall use the following count of FTE 72965
students: 72966

(a) The subsidy eligible enrollments by model shall equal 72967
only those FTE students who successfully complete the course as 72968
defined and reported through the Higher Education Information 72969
(HEI) system course enrollment file; 72970

(b) Those undergraduate FTE students with successful course 72971
completions, identified in division (D)(5)(a) of this section, 72972
that are defined as at-risk based on academic under-preparation or 72973
financial status shall have their eligible completions weighted by 72974
the following: 72975

(i) Institution-specific course completion indexes, where the 72976
indexes are calculated based upon the number of at-risk students 72977
enrolled during the 2018-2020 academic years; and 72978

(ii) A statewide average at-risk course completion weight 72979
determined for each subsidy model. The statewide average at-risk 72980
course completion weight shall be determined by calculating the 72981
difference between the percentage of traditional students who 72982
complete a course and the percentage of at-risk students who 72983
complete the same course. 72984

(c) The course completion earnings shall be determined by multiplying the amounts listed above in divisions (B) and (C) of this section by the subsidy-eligible FTEs for the most recent completed three-year period that is practicable as agreed to by the Inter-University Council and the Chancellor for all models except Medical I and Medical II.

(d) For universities, the Chancellor shall compute the course completion earnings by dividing the appropriation for universities from the foregoing appropriation item 235501, State Share of Instruction - Universities and Regional Campuses, less the degree attainment funding as calculated in division (D)(1) of this section, less the doctoral set-aside, less the medical I set-aside, and less the medical II set-aside, by the sum of all campuses' instructional costs as calculated in division (D)(5) of this section.

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES

(1) Of the foregoing appropriation item 235586, State Share of Instruction - Community and Technical Colleges, 50 per cent in each fiscal year shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.

The course completion funding shall be allocated to campuses in proportion to each campus's share of the total sector's course completions, weighted by the instructional cost of the subsidy models.

To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations:

(a) In calculating each campus's count of FTE course completions, the Chancellor shall use a three-year average for

course completions for the three year period ending in the prior 73016
year for students identified as residents of the state of Ohio in 73017
any term of their studies, as reported through the Higher 73018
Education Information (HEI) system student enrollment file. 73019

(b) The subsidy eligible enrollments by model shall equal 73020
only those FTE students who successfully complete the course as 73021
defined and reported through the Higher Education Information 73022
(HEI) system course enrollment file. 73023

(c) Those students with successful course completions, that 73024
are defined as access students based on financial status, minority 73025
status, age, or academic under-preparation shall have their 73026
eligible course completions weighted by a statewide access weight. 73027
The weight given to any student that meets any access factor shall 73028
be 15 per cent for all course completions. 73029

(d) The model costs as used in the calculation shall be 73030
augmented by the model weights for science, technology, 73031
engineering, mathematics, and medicine models as established in 73032
division (C) of this section. 73033

(2) Of the foregoing appropriation item 235586, State Share 73034
of Instruction - Community and Technical Colleges, 25 per cent in 73035
each fiscal year shall be reserved for colleges in proportion to 73036
their share of college student success factors. 73037

Student success factors shall be awarded at the institutional 73038
level for each subsidy-eligible student that successfully: 73039

(a) Completes a college-level math course within the first 30 73040
hours of completed coursework. 73041

(b) Completes a college-level English course within the first 73042
30 hours of completed coursework. 73043

(c) Completes 12 semester credit hours of college-level 73044
coursework. 73045

(d) Completes 24 semester credit hours of college-level coursework. 73046
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(e) Completes 36 semester credit hours of college-level coursework. 73048
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(3) Of the foregoing appropriation item 235586, State Share of Instruction - Community and Technical Colleges, 25 per cent in each fiscal year shall be reserved for completion milestones. 73050
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Completion milestones shall include associate degrees, technical certificates over 30 credit hours as designated by the Department of Higher Education, and students transferring to any four-year institution with at least 12 credit hours of college-level coursework earned at that community college, state community college, or technical college. 73053
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The completion milestone funding shall be allocated to colleges in proportion to each institution's share of the sector's total completion milestones, weighted by the instructional cost of the associate degree, certificate, or transfer models. Costs for technical certificates over 30 hours shall be weighted at one-half of the associate degree model costs and transfers with at least 12 credit hours of college-level coursework shall be weighted at one-fourth of the average cost for all associate degree model costs. 73059
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(4) To calculate the subsidy entitlements for completions at community colleges, state community colleges, and technical colleges, the Chancellor shall use the following calculations: 73068
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(a) In calculating each campus's count of completions, the Chancellor shall use a three-year average for completion milestones awarded to students identified as subsidy eligible in any term of their studies, as reported through the Higher Education Information (HEI) system student enrollment file. 73071
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(b) The subsidy eligible completion milestones by model shall 73076

equal only those students who successfully complete an associate 73077
degree or technical certificate over 30 credit hours, or transfer 73078
to any four-year institution with at least 12 credit hours of 73079
college-level coursework as defined and reported in the Higher 73080
Education Information (HEI) system. Student completions reported 73081
in HEI shall have an accompanying course enrollment record in 73082
order to be subsidy eligible. 73083

(c) Those students with successful completions for associate 73084
degrees, technical certificates over 30 credit hours, or transfer 73085
to any four-year institution with at least 12 credit hours of 73086
college-level coursework, identified in division (E)(3) of this 73087
section, that are defined as access students based on financial 73088
status, minority status, age, or academic under-preparation shall 73089
have their eligible completions weighted by a statewide access 73090
weight. The weight shall be 25 per cent for students with one 73091
access factor, 66 per cent for students with two access factors, 73092
150 per cent for students with three access factors, and 200 per 73093
cent for students with four access factors. 73094

(d) For those students who complete more than one completion 73095
milestone, funding for each additional associate degree or 73096
technical certificate over 30 credit hours designated as such by 73097
the Department of Higher Education shall be funded at 50 per cent 73098
of the model costs as defined in division (E)(3) of this section. 73099

(5) For purposes of the calculations made in division (E) of 73100
this section, the Chancellor shall only include subsidy-eligible 73101
students identified as residents of the state of Ohio in any term 73102
of their studies, as reported through the Higher Education 73103
Information (HEI) system student enrollment file. The Chancellor 73104
shall be prohibited from including nonresident students as 73105
subsidy-eligible except for those students otherwise identified as 73106
subsidy-eligible in division (A)(2) of this section. 73107

(F) CAPITAL COMPONENT DEDUCTION 73108

After all other adjustments have been made, state share of 73109
instruction earnings shall be reduced for each campus by the 73110
amount, if any, by which debt service charged in H.B. 16 of the 73111
126th General Assembly, H.B. 699 of the 126th General Assembly, 73112
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 73113
General Assembly for that campus exceeds that campus's capital 73114
component earnings. The sum of the amounts deducted shall be 73115
transferred to appropriation item 235552, Capital Component, in 73116
each fiscal year. 73117

(G) EXCEPTIONAL CIRCUMSTANCES 73118

Adjustments may be made to the state share of instruction 73119
payments and other subsidies distributed by the Chancellor of 73120
Higher Education to state colleges and universities for 73121
exceptional circumstances. No adjustments for exceptional 73122
circumstances may be made without the recommendation of the 73123
Chancellor and the approval of the Controlling Board. 73124

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 73125
INSTRUCTION 73126

The standard provisions of the state share of instruction 73127
calculation as described in the preceding sections of temporary 73128
law shall apply to any reductions made to appropriation items 73129
235501, State Share of Instruction - Universities and Regional 73130
Campuses, and 235586, State Share of Instruction - Community and 73131
Technical Colleges, before the Chancellor has formally approved 73132
the final allocation of the state share of instruction funds for 73133
any fiscal year. 73134

Any reductions made to appropriation items 235501, State 73135
Share of Instruction - Universities and Regional Campuses, and 73136
235586, State Share of Instruction - Community and Technical 73137
Colleges, after the Chancellor has formally approved the final 73138
allocation of the state share of instruction funds for any fiscal 73139

year, shall be uniformly applied to each campus in proportion to 73140
its share of the final allocation. 73141

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 73142

The state share of instruction payments to the institutions 73143
shall be in substantially equal monthly amounts during the fiscal 73144
year, unless otherwise determined by the Director of Budget and 73145
Management pursuant to section 126.09 of the Revised Code. 73146
Payments during the first six months of the fiscal year may be 73147
based upon the state share of instruction appropriation estimates 73148
made for the various institutions of higher education and payments 73149
during the last six months of the fiscal year may be based on the 73150
final data from the Chancellor. If agreed to by the Chancellor and 73151
the Inter-University Council, payments to universities in each 73152
month of a fiscal year shall be based on final data in the higher 73153
education information system for the selected three-year period 73154
that is acceptable to both parties. 73155

(J) USE OF STATE SHARE OF INSTRUCTION ALLOCATION INCREASES 73156

Any increases in the amount distributed to an institution 73157
from appropriation items 235501, State Share of Instruction - 73158
Universities and Regional Campuses, and 235586, State Share of 73159
Instruction - Community and Technical Colleges, above the prior 73160
year may be used by the institution to provide need-based aid and 73161
to provide counseling, support services, and workforce preparation 73162
services to students. 73163

(K) STUDY ON THE USE OF AT-RISK WEIGHTS IN THE STATE SHARE OF 73164
INSTRUCTION FORMULAS 73165

The Chancellor of Higher Education, with the assistance of 73166
the Inter-University Council and the Ohio Association of Community 73167
Colleges, shall study the most appropriate definitions of at-risk 73168
students and formula weights for at-risk students that may be used 73169
in the distribution to universities and community colleges from 73170

the foregoing appropriation items 235501, State Share of 73171
Instruction - Universities and Regional Campuses, and 235586, 73172
State Share of Instruction - Community and Technical Colleges, 73173
beginning in fiscal year 2024. The study shall do all of the 73174
following: 73175

(1) Examine and evaluate the impact on formula distributions 73176
of the at-risk weights that have been used in the state share of 73177
instruction formulas since the inception of a performance-based 73178
funding model in Ohio, including the overall level of at-risk 73179
funding, the distribution of such funding among the state 73180
institutions of higher education, and the impact of such funding 73181
on institutional outcomes such as course completion and degree or 73182
certificate completion; 73183

(2) Research the use of at-risk weights in the funding 73184
formulas of other states; 73185

(3) Survey the academic research on at-risk weights in higher 73186
education allocation formulas, particularly in the context of 73187
performance-based funding; 73188

(4) Make recommendations on the definitions of at-risk 73189
students, the funding formula weights for such identified 73190
students, and the level of funding for at-risk students. The 73191
recommendations should have as their objectives fairness, 73192
simplicity, transparency, and the provision of sufficient 73193
incentives to increase the course completion and degree completion 73194
of at-risk students in state institutions of higher education. 73195
Separate definitions and weighting schemes may be considered 73196
within each of the foregoing appropriation items 235501, State 73197
Share of Instruction - Universities and Regional Campuses, and 73198
235586, State Share of Instruction - Community and Technical 73199
Colleges. 73200

The study shall be completed by June 30, 2022. 73201

Section 381.160. RESTRICTION ON FEE INCREASES 73202

(A) In fiscal years 2022 and 2023, the boards of trustees of 73203
state institutions of higher education shall restrain increases in 73204
in-state undergraduate instructional and general fees. 73205

(1) For the 2021-2022 and 2022-2023 academic years, all of 73206
the following shall apply: 73207

(a) Each state university or college, as defined in section 73208
3345.12 of the Revised Code and university branch established 73209
under Chapter 3355. of the Revised Code shall not increase its 73210
in-state undergraduate instructional and general fees by more than 73211
two per cent over what the institution charged for the previous 73212
academic year. 73213

(b) Each community college established under Chapter 3354., 73214
state community college established under Chapter 3358., or 73215
technical college established under Chapter 3357. of the Revised 73216
Code may increase its in-state undergraduate instructional and 73217
general fees by not more than five dollars per credit hour over 73218
what the institution charged for the previous academic year. 73219

(c) For state institutions of higher education, as defined in 73220
section 3345.011 of the Revised Code, increases for all other 73221
special fees, including the creation of new special fees, shall be 73222
subject to the approval of the Chancellor of Higher Education. 73223

(2) The limitations under division (A)(1) of this section do 73224
not apply to room and board, student health insurance, fees for 73225
auxiliary goods or services provided to students at the cost 73226
incurred to the institution, fees assessed to students as a 73227
pass-through for licensure and certification examinations, fees in 73228
elective courses associated with travel experiences, elective 73229
service charges, fines, voluntary sales transactions, and fees, 73230
which may appear directly on a student's tuition bill as assessed 73231

by the institution's bursar, to offset the cost of providing 73232
textbooks to students. 73233

(B) The limitations under this section shall not apply to 73234
increases required to comply with institutional covenants related 73235
to their obligations or to meet unfunded legal mandates or legally 73236
binding obligations incurred or commitments made prior to the 73237
effective date of this section with respect to which the 73238
institution had identified such fee increases as the source of 73239
funds. Any increase required by such covenants and any such 73240
mandates, obligations, or commitments shall be reported by the 73241
Chancellor of Higher Education to the Controlling Board. These 73242
limitations may also be modified by the Chancellor, with the 73243
approval of the Controlling Board, to respond to exceptional 73244
circumstances as identified by the Chancellor. 73245

(C) Institutions offering an undergraduate tuition guarantee 73246
pursuant to section 3345.48 of the Revised Code may increase 73247
instructional and general fees pursuant to that section. 73248

Section 381.170. HIGHER EDUCATION - BOARD OF TRUSTEES 73249

(A) Funds appropriated for instructional subsidies at 73250
colleges and universities may be used to provide such branch or 73251
other off-campus undergraduate courses of study and such master's 73252
degree courses of study as may be approved by the Chancellor of 73253
Higher Education. 73254

(B) In providing instructional and other services to 73255
students, boards of trustees of state institutions of higher 73256
education shall supplement state subsidies with income from 73257
charges to students. Except as otherwise provided in this act, 73258
each board shall establish the fees to be charged to all students, 73259
including an instructional fee for educational and associated 73260
operational support of the institution and a general fee for 73261
noninstructional services, including locally financed student 73262

services facilities used for the benefit of enrolled students. The 73263
instructional fee and the general fee shall encompass all charges 73264
for services assessed uniformly to all enrolled students. Each 73265
board may also establish special purpose fees, service charges, 73266
and fines as required; such special purpose fees and service 73267
charges shall be for services or benefits furnished individual 73268
students or specific categories of students and shall not be 73269
applied uniformly to all enrolled students. A tuition surcharge 73270
shall be paid by all students who are not residents of Ohio. 73271

The board of trustees of a state institution of higher 73272
education shall not authorize a waiver or nonpayment of 73273
instructional fees or general fees for any particular student or 73274
any class of students other than waivers specifically authorized 73275
by law or approved by the Chancellor. This prohibition is not 73276
intended to limit the authority of boards of trustees to provide 73277
for payments to students for services rendered the institution, 73278
nor to prohibit the budgeting of income for staff benefits or for 73279
student assistance in the form of payment of such instructional 73280
and general fees. 73281

Each state institution of higher education in its statement 73282
of charges to students shall separately identify the instructional 73283
fee, the general fee, the tuition charge, and the tuition 73284
surcharge. Fee charges to students for instruction shall not be 73285
considered to be a price of service but shall be considered to be 73286
an integral part of the state government financing program in 73287
support of higher educational opportunity for students. 73288

(C) The boards of trustees of state institutions of higher 73289
education shall ensure that faculty members devote a proper and 73290
judicious part of their work week to the actual instruction of 73291
students. Total class credit hours of production per academic term 73292
per full-time faculty member is expected to meet the standards set 73293
forth in the budget data submitted by the Chancellor of Higher 73294

Education. 73295

(D) The authority of government vested by law in the boards 73296
of trustees of state institutions of higher education shall in 73297
fact be exercised by those boards. Boards of trustees may consult 73298
extensively with appropriate student and faculty groups. 73299
Administrative decisions about the utilization of available 73300
resources, about organizational structure, about disciplinary 73301
procedure, about the operation and staffing of all auxiliary 73302
facilities, and about administrative personnel shall be the 73303
exclusive prerogative of boards of trustees. Any delegation of 73304
authority by a board of trustees in other areas of responsibility 73305
shall be accompanied by appropriate standards of guidance 73306
concerning expected objectives in the exercise of such delegated 73307
authority and shall be accompanied by periodic review of the 73308
exercise of this delegated authority to the end that the public 73309
interest, in contrast to any institutional or special interest, 73310
shall be served. 73311

Section 381.180. WAR ORPHANS AND SEVERELY DISABLED VETERANS' 73312
CHILDREN SCHOLARSHIPS 73313

The foregoing appropriation item 235504, War Orphans and 73314
Severely Disabled Veterans' Children Scholarships, shall be used 73315
to reimburse state institutions of higher education for waivers of 73316
instructional fees and general fees provided by them, to provide 73317
grants to institutions that have received a certificate of 73318
authorization from the Chancellor of Higher Education under 73319
Chapter 1713. of the Revised Code, in accordance with the 73320
provisions of section 5910.04 of the Revised Code, and to fund 73321
additional scholarship benefits provided by section 5910.032 of 73322
the Revised Code. 73323

During each fiscal year, the Chancellor, as soon as possible 73324
after cancellation, may certify to the Director of Budget and 73325

Management the amount of canceled prior-year encumbrances in 73326
appropriation item 235504, War Orphans and Severely Disabled 73327
Veterans' Children Scholarships. Upon receipt of the 73328
certification, the Director of Budget and Management may transfer 73329
cash, up to the certified amount, from the General Revenue Fund to 73330
the War Orphans and Severely Disabled Veterans' Children 73331
Scholarship Reserve Fund (Fund 5PW0). 73332

Section 381.200. OHIOLINK 73333

The foregoing appropriation item 235507, OhioLINK, shall be 73334
used by the Chancellor of Higher Education to support OhioLINK, a 73335
consortium organized under division (T) of section 3333.04 of the 73336
Revised Code to serve as the state's electronic library 73337
information and retrieval system, which provides access statewide 73338
to an extensive set of electronic databases and resources, the 73339
library holdings of Ohio's public and participating private 73340
nonprofit colleges and universities, and the State Library of 73341
Ohio. 73342

Section 381.210. AIR FORCE INSTITUTE OF TECHNOLOGY 73343

Of the foregoing appropriation item 235508, Air Force 73344
Institute of Technology, \$75,000 in each fiscal year shall be 73345
allocated to the Aerospace Professional Development Center in 73346
Dayton for statewide workforce development services in the 73347
aerospace industry. 73348

The remainder of the foregoing appropriation item 235508, Air 73349
Force Institute of Technology, shall be used to: (A) strengthen 73350
the research and educational linkages between the Wright Patterson 73351
Air Force Base and institutions of higher education in Ohio; and 73352
(B) support the Defense Associated Graduate Student Innovators, an 73353
engineering graduate consortium of Wright State University, the 73354
University of Dayton, and the Air Force Institute of Technology, 73355

with the participation of the University of Cincinnati and The Ohio State University. 73356
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Section 381.220. OHIO SUPERCOMPUTER CENTER 73358

The foregoing appropriation item 235510, Ohio Supercomputer Center, shall be used by the Chancellor of Higher Education to support the operation of the Ohio Supercomputer Center, a consortium organized under division (T) of section 3333.04 of the Revised Code, located at The Ohio State University. The Ohio Supercomputer Center is a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. 73359
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The Ohio Supercomputer Center's services shall support Ohio's colleges, universities, and businesses to make Ohio a leader in using computational science, modeling, and simulation to promote higher education, research, and economic competitiveness. 73368
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Section 381.230. THE OHIO STATE UNIVERSITY EXTENSION SERVICE 73372

The foregoing appropriation item 235511, The Ohio State University Extension Service, shall be disbursed through the Chancellor of Higher Education to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code. 73373
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Section 381.240. CENTRAL STATE SUPPLEMENT 73378

The foregoing appropriation item 235514, Central State Supplement, shall be disbursed by the Chancellor of Higher Education to Central State University. Funds shall be used in a manner consistent with the goals of increasing enrollment, improving course completion, and increasing the number of degrees conferred. 73379
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Section 381.250. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 73385
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The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 73387
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Section 381.260. FAMILY PRACTICE 73394

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 73395
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Section 381.270. SHAWNEE STATE SUPPLEMENT 73399

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 73400
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Section 381.280. GERIATRIC MEDICINE 73406

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 73407
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Section 381.285. PRIMARY CARE RESIDENCIES 73410

The foregoing appropriation item 235526, Primary Care 73411

Residencies, shall be distributed in each fiscal year, based on 73412
each medical school's share of residents placed in a primary care 73413
field and graduates practicing in a primary care field. 73414

Section 381.287. PROGRAM AND PROJECT SUPPORT 73415

Of the foregoing appropriation item 235533, Program and 73416
Project Support, \$125,000 in each fiscal year shall be used by the 73417
Chancellor of Higher Education to support the expansion of an 73418
unmanned aviation STEM pilot program at Emmanuel Christian Academy 73419
for public and nonpublic high school students in Clark County. 73420

Of the foregoing appropriation item 235533, Program and 73421
Project Support, \$100,000 in each fiscal year shall be allocated 73422
to support the Kent State University Rising Scholars Program. 73423

Of the foregoing appropriation item 235533, Program and 73424
Project Support, \$100,000 in each fiscal year shall be used to 73425
support the Clearance Ready Program at Wright State University. 73426

Section 381.290. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 73427
CENTER 73428

The foregoing appropriation item 235535, Ohio Agricultural 73429
Research and Development Center, shall be disbursed through the 73430
Chancellor of Higher Education to The Ohio State University in 73431
monthly payments, unless otherwise determined by the Director of 73432
Budget and Management under section 126.09 of the Revised Code. 73433

The Ohio Agricultural Research and Development Center, an 73434
entity of the College of Food, Agricultural, and Environmental 73435
Sciences of The Ohio State University, shall further its mission 73436
of enhancing Ohio's economic development and job creation by 73437
continuing to internally allocate on a competitive basis 73438
appropriated funding of programs based on demonstrated 73439
performance. Academic units, faculty, and faculty-driven programs 73440
shall be evaluated and rewarded consistent with agreed-upon 73441

performance expectations as called for in the College's 73442
Expectations and Criteria for Performance Assessment. 73443

Section 381.300. STATE UNIVERSITY CLINICAL TEACHING 73444

The foregoing appropriation items 235536, The Ohio State 73445
University Clinical Teaching; 235537, University of Cincinnati 73446
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 73447
235539, Wright State University Clinical Teaching; 235540, Ohio 73448
University Clinical Teaching; and 235541, Northeast Ohio Medical 73449
University Clinical Teaching, shall be distributed through the 73450
Chancellor of Higher Education. 73451

Of the foregoing appropriation item 235537, University of 73452
Cincinnati Clinical Teaching, \$500,000 in each fiscal year shall 73453
be provided to People Working Cooperatively for the Safe and 73454
Healthy at Home Initiative. The funds shall be used to make 73455
critical home modifications and emergency repairs for low-income 73456
and elderly homeowners and for health care and housing 73457
partnerships to address chronic housing related health care 73458
issues. 73459

Section 381.310. CENTRAL STATE AGRICULTURAL RESEARCH AND 73460
DEVELOPMENT 73461

The foregoing appropriation item 235546, Central State 73462
Agricultural Research and Development, shall be used in 73463
conjunction with appropriation item 235548, Central State 73464
Cooperative Extension Services, by Central State University for 73465
its state match requirement as an 1890 land grant university. 73466

Section 381.320. CAPITAL COMPONENT 73467

The foregoing appropriation item 235552, Capital Component, 73468
shall be used by the Chancellor of Higher Education to provide 73469
funding for prior commitments made pursuant to the state's former 73470

capital funding policy for state colleges and universities that 73471
was originally established in H.B. 748 of the 121st General 73472
Assembly. Appropriations from this item shall be distributed to 73473
all campuses for which the estimated campus debt service 73474
attributable to qualifying capital projects was less than the 73475
campus's formula-determined capital component allocation. Campus 73476
allocations shall be determined by subtracting the estimated 73477
campus debt service attributable to qualifying capital projects 73478
from the campus's formula-determined capital component allocation. 73479
Moneys distributed from this appropriation item shall be 73480
restricted to capital-related purposes. 73481

Any campus for which the estimated campus debt service 73482
attributable to qualifying capital projects is greater than the 73483
campus's formula-determined capital component allocation shall 73484
have the difference subtracted from its State Share of Instruction 73485
allocation in each fiscal year. Appropriation equal to the sum of 73486
all such amounts shall be transferred from appropriation items 73487
235501, State Share of Instruction - Universities and Regional 73488
Campuses, and 235586, State Share of Instruction - Community and 73489
Technical Colleges, to appropriation item 235552, Capital 73490
Component. 73491

Section 381.330. LIBRARY DEPOSITORIES 73492

The foregoing appropriation item 235555, Library 73493
Depositories, shall be distributed to the state's five regional 73494
depository libraries for the cost-effective storage of and access 73495
to lesser-used materials in university library collections. The 73496
depositories shall be administrated by the Chancellor of Higher 73497
Education, or by OhioLINK at the discretion of the Chancellor. 73498

Section 381.340. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 73499

The foregoing appropriation item 235556, Ohio Academic 73500

Resources Network, shall be used by the Chancellor of Higher 73501
Education to support the operations of the Ohio Academic Resources 73502
Network, a consortium organized under division (T) of section 73503
3333.04 of the Revised Code, which shall include support for 73504
Ohio's colleges and universities in maintaining and enhancing 73505
network connections, using new network technologies to improve 73506
research, education, and economic development programs, and 73507
sharing information technology services. To the extent network 73508
capacity is available, OARnet shall support allocating bandwidth 73509
to eligible programs directly supporting Ohio's economic 73510
development. 73511

Section 381.350. LONG-TERM CARE RESEARCH 73512

The foregoing appropriation item 235558, Long-term Care 73513
Research, shall be disbursed to Miami University for long-term 73514
care research. 73515

Section 381.360. OHIO COLLEGE OPPORTUNITY GRANT 73516

(A)(1) As used in this section: 73517

(a) "Eligible institution" means any institution described in 73518
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 73519
Code. 73520

(b) The three "sectors" of institutions of higher education 73521
consist of the following: 73522

(i) State colleges and universities, community colleges, 73523
state community colleges, university branches, and technical 73524
colleges; 73525

(ii) Eligible private nonprofit institutions of higher 73526
education; 73527

(iii) Eligible private for-profit career colleges and 73528
schools. 73529

(2) Awards for students attending an eligible institution shall be determined by the Chancellor. 73530
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For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. 73532
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(3) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2022 and fiscal year 2023 based on the formula used in fiscal year 2021, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of each academic year. 73535
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(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under sections 3333.26 of the Revised Code. 73551
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In each fiscal year, with the exception of sections 3333.121 and 3333.124 of the Revised Code and the section of this act entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor shall not distribute or obligate or commit to be distributed an 73558
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amount greater than what is appropriated under the foregoing 73562
appropriation item 235563, Ohio College Opportunity Grant. 73563

(C) The Chancellor shall establish, and post on the 73564
Department of Higher Education's web site, award tables based on 73565
any formulas created under division (A) of this section. The 73566
Chancellor shall notify students and institutions of any 73567
reductions in awards under this section. 73568

(D) Notwithstanding section 3333.122 of the Revised Code, no 73569
student shall be eligible to receive an Ohio College Opportunity 73570
Grant for more than ten semesters, fifteen quarters, or the 73571
equivalent of five academic years, less the number of semesters or 73572
quarters in which the student received an Ohio Instructional 73573
Grant. 73574

(E) During each fiscal year, the Chancellor, as soon as 73575
possible after cancellation, may certify to the Director of Budget 73576
and Management the amount of canceled prior-year encumbrances in 73577
appropriation item 235563, Ohio College Opportunity Grant. Upon 73578
receipt of the certification, the Director of Budget and 73579
Management may transfer cash, up to the certified amount, from the 73580
General Revenue Fund to the Ohio College Opportunity Grant Program 73581
Reserve Fund (Fund 5PU0). 73582

Section 381.365. THE OHIO STATE UNIVERSITY COLLEGE OF 73583
VETERINARY MEDICINE SUPPLEMENT 73584

The foregoing appropriation item 235569, The Ohio State 73585
University College of Veterinary Medicine Supplement, shall be 73586
distributed through the Chancellor of Higher Education to The Ohio 73587
State University College of Veterinary Medicine to provide 73588
supplemental support for education, research, and operations. 73589

Section 381.370. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 73590

The foregoing appropriation item 235572, The Ohio State 73591

University Clinic Support, shall be distributed through the 73592
Chancellor of Higher Education to The Ohio State University for 73593
support of dental and veterinary medicine clinics. 73594

Section 381.373. FEDERAL RESEARCH NETWORK 73595

The foregoing appropriation item 235578, Federal Research 73596
Network, shall be allocated to The Ohio State University to 73597
collaborate with federal installations in Ohio, state institutions 73598
of higher education as defined in section 3345.011 of the Revised 73599
Code, private nonprofit institutions of higher education holding 73600
certificates of authorization under Chapter 1713. of the Revised 73601
Code, and the private sector to align the state's research assets 73602
with emerging missions and job growth opportunities emanating from 73603
federal installations, strengthen related workforce development 73604
and technology commercialization programs, and better position the 73605
state's university system to directly impact new job creation in 73606
Ohio. A portion of the foregoing appropriation item 235578, 73607
Federal Research Network, shall be used to support the growth of 73608
small business federal contractors in the state and to expand the 73609
participation of Ohio businesses in the federal Small Business 73610
Innovation Research Program and related federal programs. 73611

Section 381.375. CO-OP INTERNSHIP PROGRAM 73612

Of the foregoing appropriation item 235591, Co-Op Internship 73613
Program, \$650,000 in each fiscal year shall be used to support the 73614
operations of Ohio University's Voinovich School. 73615

Of the foregoing appropriation item 235591, Co-Op Internship 73616
Program, \$150,000 in each fiscal year shall be used to support 73617
students who attend institutions of higher education in Ohio and 73618
participate in the internship program of The Washington Center. 73619

Of the foregoing appropriation item 235591, Co-Op Internship 73620
Program, \$75,000 in each fiscal year shall be used to support the 73621

Model United Nations Program and the operations of the Center for Liberal Arts Student Success at Wright State University. 73622
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$62,500 in each fiscal year shall be used to support the operations of The Ohio State University's John Glenn College of Public Affairs. 73624
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$62,500 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron. 73628
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University. 73631
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Ohio Center for the Advancement of Women in Public Service at the Maxine Goodman Levin College of Urban Affairs at Cleveland State University. 73635
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program. 73640
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues. 73643
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the Kent State University Columbus Program. 73646
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center. 73649
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Of the foregoing appropriation item 235591, Co-Op Internship Program, \$50,000 in each fiscal year shall be used to support the operations of the Center for Regional Development at Bowling Green State University.

Of the foregoing appropriation item 235591, Co-Op Internship Program, \$25,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.

COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM 73659

The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used to provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code.

Of the foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, up to \$1,250,000 in each fiscal year shall be distributed by the Chancellor of Higher Education as grants pursuant to section 3333.125 of the Revised Code.

Of the foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, up to \$1,250,000 in each fiscal year shall be distributed by the Chancellor of Higher Education as loans pursuant to section 3333.125 of the Revised Code.

Section 381.376. RURAL UNIVERSITY PROGRAM 73672

The foregoing appropriation item 235598, Rural University Program, shall be used for the Rural University Program, a collaboration of Bowling Green State University, Kent State University, Miami University, and Ohio University that provides rural communities with economic development, public administration, and public health services. Each of the four participating universities shall receive \$100,000 in each fiscal year to support their respective programs.

Section 381.380. NATIONAL GUARD SCHOLARSHIP PROGRAM 73681

The Chancellor of Higher Education shall disburse funds from 73682
appropriation item 235599, National Guard Scholarship Program. 73683
During each fiscal year, the Chancellor, as soon as possible after 73684
cancellation, may certify to the Director of Budget and Management 73685
the amount of canceled prior-year encumbrances in appropriation 73686
item 235599, National Guard Scholarship Program. Upon receipt of 73687
the certification, the Director of Budget and Management may 73688
transfer cash, up to the certified amount, from the General 73689
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 73690
5BM0). 73691

Section 381.390. PLEDGE OF FEES 73692

Any new pledge of fees, or new agreement for adjustment of 73693
fees, made in the biennium ending June 30, 2023, to secure bonds 73694
or notes of a state institution of higher education for a project 73695
for which bonds or notes were not outstanding on the effective 73696
date of this section or to secure a refund of prior debt that is 73697
anticipated to increase the total cost of retiring the original 73698
debt shall be effective only after approval by the Chancellor of 73699
Higher Education, unless approved in a previous biennium. 73700

Section 381.400. HIGHER EDUCATION GENERAL OBLIGATION BOND 73701
DEBT SERVICE 73702

The foregoing appropriation item 235909, Higher Education 73703
General Obligation Bond Debt Service, shall be used to pay all 73704
debt service and related financing costs during the period from 73705
July 1, 2021, through June 30, 2023, for obligations issued under 73706
sections 151.01 and 151.04 of the Revised Code. 73707

Section 381.410. SALES AND SERVICES 73708

The Chancellor of Higher Education is authorized to charge 73709
and accept payment for the provision of goods and services. Such 73710
charges shall be reasonably related to the cost of producing the 73711
goods and services. Except as otherwise provided by law, no 73712
charges may be levied for goods or services that are produced as 73713
part of the routine responsibilities or duties of the Chancellor. 73714
All revenues received by the Chancellor shall be deposited into 73715
Fund 4560, and may be used by the Chancellor to pay for the costs 73716
of producing the goods and services. 73717

Section 381.420. HIGHER EDUCATIONAL FACILITY COMMISSION 73718
ADMINISTRATION 73719

The foregoing appropriation item 235602, Higher Educational 73720
Facility Commission Administration, shall be used by the 73721
Chancellor of Higher Education for operating expenses related to 73722
the Chancellor's support of the activities of the Ohio Higher 73723
Educational Facility Commission. Upon the request of the 73724
Chancellor, the Director of Budget and Management may transfer 73725
cash in an amount up to the amount appropriated from the foregoing 73726
appropriation item 235602, Higher Educational Facility Commission 73727
Administration, in each fiscal year from the HEFC Operating 73728
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 73729
4E80). 73730

Section 381.460. OHIOCORPS PROGRAM 73731

Of the appropriation item 235594, OhioCorps Program, up to 73732
\$50,000 in each fiscal year shall be used by the Chancellor of 73733
Higher Education to implement and administer the OhioCorps Program 73734
pursuant to sections 3333.80 to 3333.802 of the Revised Code. 73735

The remainder of the appropriation item 235594, OhioCorps 73736
Program, shall be used by the Chancellor of Higher Education to 73737
assist eligible state institutions of higher education, as defined 73738

in division (A)(4) of section 3333.80 of the Revised Code, in 73739
establishing and administering OhioCorps mentorship programs and 73740
scholarships under sections 3333.80 and 3333.801 of the Revised 73741
Code. 73742

On July 1, 2021, or as soon as possible thereafter, the 73743
Chancellor of Higher Education may certify to the Director of 73744
Budget and Management an amount up to the unexpended, unencumbered 73745
balance of the appropriation item, 235594, OhioCorps Program, at 73746
the end of fiscal year 2021 to be reappropriated to fiscal year 73747
2022. The amount certified is hereby reappropriated to the same 73748
appropriation item for fiscal year 2022 for purposes of providing 73749
funds to support mentorship programs and scholarships under the 73750
OhioCorps Program. 73751

On July 1, 2022, or as soon as possible thereafter, the 73752
Chancellor of Higher Education may certify to the Director of 73753
Budget and Management an amount up to the unexpended, unencumbered 73754
balance of the appropriation item, 235594, OhioCorps Program, at 73755
the end of fiscal year 2022 to be reappropriated to fiscal year 73756
2023. The amount certified is hereby reappropriated to the same 73757
appropriation item for fiscal year 2023 for purposes of providing 73758
funds to support mentorship programs and scholarships under the 73759
OhioCorps Program. 73760

Section 381.470. STATE FINANCIAL AID RECONCILIATION 73761

By the first day of September in each fiscal year, or as soon 73762
as possible thereafter, the Chancellor of Higher Education shall 73763
certify to the Director of Budget and Management the amount 73764
necessary to pay any outstanding prior year obligations to higher 73765
education institutions for the state's financial aid programs. The 73766
amounts certified are hereby appropriated to appropriation item 73767
235618, State Financial Aid Reconciliation, from revenues received 73768
in the State Financial Aid Reconciliation Fund (Fund 5Y50). 73769

Section 381.480. NURSING LOAN PROGRAM 73770

The foregoing appropriation item 235606, Nursing Loan 73771
Program, shall be used to administer the nurse education 73772
assistance program. 73773

Section 381.520. RESEARCH INCENTIVE THIRD FRONTIER 73774

The foregoing appropriation items 235634, Research Incentive 73775
Third Frontier, and 235639, Research Incentive Third Frontier-Tax, 73776
shall be used by the Chancellor of Higher Education to advance 73777
collaborative research at institutions of higher education. Of the 73778
foregoing appropriation items 235634, Research Incentive Third 73779
Frontier, and 235639, Research Incentive Third Frontier - Tax, up 73780
to \$2,500,000 in each fiscal year may be allocated toward research 73781
regarding the improvement of water quality, up to \$1,500,000 in 73782
each fiscal year may be allocated for spinal cord research, up to 73783
\$1,000,000 in each fiscal year may be allocated toward research 73784
regarding the reduction of infant mortality, up to \$1,000,000 in 73785
each fiscal year may be allocated toward research regarding opiate 73786
addiction issues in Ohio, up to \$750,000 in each fiscal year may 73787
be allocated toward research regarding cyber security initiatives, 73788
up to \$300,000 in each fiscal year may be allocated toward the 73789
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 73790
be allocated toward the Ohio Innovation Exchange program. 73791

Section 381.530. VETERANS PREFERENCES 73792

The Chancellor of Higher Education shall work with the 73793
Department of Veterans Services to develop specific veterans 73794
preference guidelines for higher education institutions. These 73795
guidelines shall ensure that the institutions' hiring practices 73796
are in accordance with the intent of Ohio's veterans preference 73797
laws. 73798

Section 381.540. (A) As used in this section:	73799
(1) "Board of trustees" includes the managing authority of a university branch district.	73800 73801
(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	73802 73803
(B) The board of trustees of any state institution of higher education, notwithstanding any rule of the institution to the contrary, may adopt a policy providing for mandatory furloughs of employees, including faculty, to achieve spending reductions necessitated by institutional budget deficits.	73804 73805 73806 73807 73808
Section 381.550. EFFICIENCY REPORTS	73809
In each fiscal year, the board of trustees of each public institution of higher education shall approve the institution's efficiency report submitted to the Chancellor of Higher Education under section 3333.95 of the Revised Code.	73810 73811 73812 73813
MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS	73814
For each fiscal year, each institution of higher education that receives funds from the foregoing appropriation items 235515, Case Western Reserve University School of Medicine, 235519, Family Practice, 235525, Geriatric Medicine, 235526, Primary Care Residencies, 235536, The Ohio State University Clinical Teaching, 235537, University of Cincinnati Clinical Teaching, 235538, University of Toledo Clinical Teaching, 235539, Wright State University Clinical Teaching, 235540, Ohio University Clinical Teaching, 235541, Northeast Ohio Medical University Clinical Teaching, 235558, Long-term Care Research, and 235572, The Ohio State University Clinic Support, shall report to the Chancellor of Higher Education the residency status of graduates from the respective programs receiving support from those appropriation items one year and five years after graduating.	73815 73816 73817 73818 73819 73820 73821 73822 73823 73824 73825 73826 73827 73828

Section 381.580. The Chancellor of Higher Education shall 73829
support the continued development of the Ohio Innovation Exchange 73830
for the purpose of showcasing the research expertise of Ohio's 73831
university and college faculty in a variety of fields, including, 73832
but not limited to, engineering, biomedicine, and information 73833
technology, and to identify institutional research equipment 73834
available in the state. 73835

Section 381.620. FUND NAME CHANGES 73836

On July 1, 2021, or as soon as possible thereafter, the 73837
Director of Budget and Management shall rename the Publications 73838
Fund (Fund 4560) the Sales and Services Fund (Fund 4560) and the 73839
OIG Reconciliation Fund (Fund 5Y50) the State Financial Aid 73840
Reconciliation Fund (Fund 5Y50). 73841

Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 73842
CORRECTION 73843

General Revenue Fund 73844

GRF 501321 Institutional \$ 1,201,221,420 \$ 1,251,447,479 73845
Operations

GRF 501405 Halfway House \$ 70,019,786 \$ 70,019,786 73846

GRF 501406 Adult Correctional \$ 85,000,000 \$ 85,000,000 73847
Facilities Lease
Rental Bond Payments

GRF 501407 Community \$ 67,644,863 \$ 67,644,863 73848
Nonresidential
Programs

GRF 501408 Community Misdemeanor \$ 9,340,276 \$ 9,340,276 73849
Programs

GRF 501501 Community Residential \$ 84,757,815 \$ 86,072,332 73850
Programs - Community
Based Correctional

		Facilities				
GRF	503321	Parole and Community Operations	\$	96,680,240	\$	106,525,655 73851
GRF	504321	Administrative Operations	\$	24,658,204	\$	25,132,130 73852
GRF	505321	Institution Medical Services	\$	290,898,936	\$	302,940,702 73853
GRF	506321	Institution Education Services	\$	34,887,328	\$	35,665,119 73854
TOTAL GRF	General Revenue Fund		\$	1,965,108,868	\$	2,039,788,342 73855
		Dedicated Purpose Fund Group				73856
4B00	501601	Sewer Treatment Services	\$	1,200,000	\$	1,200,000 73857
4D40	501603	Prisoner Programs	\$	400,000	\$	400,000 73858
4L40	501604	Transitional Control	\$	2,450,000	\$	2,450,000 73859
4S50	501608	Education Services	\$	4,660,000	\$	4,660,000 73860
5AF0	501609	State and Non-Federal Awards	\$	1,300,000	\$	1,300,000 73861
5CV1	501627	Coronavirus Relief - DRC	\$	18,000,000	\$	0 73862
5H80	501617	Offender Financial Responsibility	\$	1,860,000	\$	1,860,000 73863
5TZ0	501610	Probation Improvement and Incentive Grants	\$	5,000,000	\$	5,000,000 73864
TOTAL DPF	Dedicated Purpose Fund Group		\$	34,870,000	\$	16,870,000 73865
		Internal Service Activity Fund Group				73866
1480	501602	Institutional Services	\$	2,850,000	\$	2,850,000 73867
2000	501607	Ohio Penal Industries	\$	46,515,000	\$	46,515,000 73868
4830	501605	Leased Property Maintenance and	\$	2,000,000	\$	2,000,000 73869

		Operating				
5710	501606	Corrections Training	\$	980,000	\$	980,000 73870
		Maintenance and				
		Operating				
5L60	501611	Information	\$	500,000	\$	500,000 73871
		Technology Services				
TOTAL ISA	Internal Activity					73872
Fund Group			\$	52,845,000	\$	52,845,000 73873
Federal Fund Group						73874
3230	501619	Federal Grants	\$	3,040,000	\$	3,040,000 73875
3CW0	501622	Federal Equitable	\$	300,000	\$	300,000 73876
		Sharing				
TOTAL FED	Federal					73877
Fund Group			\$	3,340,000	\$	3,340,000 73878
TOTAL ALL BUDGET FUND GROUPS			\$	2,056,163,868	\$	2,112,843,342 73879
		EXPEDITED PARDON INITIATIVE				73880
		Of the foregoing appropriation item 501321, Institutional				73881
		Operations, up to \$500,000 in each fiscal year may be used by the				73882
		Department of Rehabilitation and Correction to distribute grants				73883
		to create up to five regional collaborative partnership pilot				73884
		projects connecting rehabilitated citizens with community partners				73885
		to advance the expedited pardon initiative and help eligible				73886
		individuals navigate the process and access clemency.				73887
		OSU MEDICAL CHARGES				73888
		Notwithstanding section 341.192 of the Revised Code, at the				73889
		request of the Department of Rehabilitation and Correction, the				73890
		Ohio State University Medical Center, including the Arthur G.				73891
		James Cancer Hospital and Richard J. Solove Research Institute and				73892
		the Richard M. Ross Heart Hospital, shall provide necessary care				73893
		to persons who are confined in state adult correctional				73894
		facilities. The provision of necessary inpatient care billed to				73895
		the Department shall be reimbursed at a rate not to exceed the				73896

authorized reimbursement rate for the same service established by 73897
the Department of Medicaid under the Medicaid Program. 73898

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 73899

The foregoing appropriation item 501406, Adult Correctional 73900
Facilities Lease Rental Bond Payments, shall be used to meet all 73901
payments during the period from July 1, 2021, through June 30, 73902
2023, by the Department of Rehabilitation and Correction pursuant 73903
to leases and agreements for facilities made under Chapters 152. 73904
and 154. of the Revised Code. These appropriations are the source 73905
of funds pledged for bond service charges on related obligations 73906
issued under Chapters 152. and 154. of the Revised Code. 73907

REENTRY EMPLOYMENT GRANTS 73908

(A) Of the foregoing appropriation item 503321, Parole and 73909
Community Operations, \$275,000 in each fiscal year shall be used 73910
by the Department of Rehabilitation and Correction to create and 73911
implement a program to award grants to at least one nonprofit 73912
organization that operates reentry employment programs that meet 73913
all of the following criteria: 73914

(1) Serve parolees, releasees, and probationers assessed by 73915
the Department as moderate or high risk to recidivate and referred 73916
by the Adult Parole Authority or probation for services; 73917

(2) Provide job readiness training, transitional employment, 73918
job coaching and placement, and post-placement retention services; 73919

(3) Have been independently and rigorously evaluated and 73920
shown to reduce recidivism; 73921

(4) Have the ability to serve multiple large jurisdictions 73922
across the state. 73923

(B) The Department shall establish guidelines, procedures, 73924
all forms by which applicants may apply for grants, and 73925
outcome-based criteria upon which performance, under the terms of 73926

the grant awards, is evaluated. The outcomes, as defined by the Department, shall include enrollment, job placement, and job retention.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on: (1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

Section 387.10. RDF STATE REVENUE DISTRIBUTIONS

General Revenue Fund Group					73940
GRF 110908	Property Tax	\$ 651,400,000	\$ 658,400,000		73941
	Reimbursement - Local Government				
GRF 200903	Property Tax	\$ 1,183,000,000	\$ 1,195,600,000		73942
	Reimbursement - Education				
TOTAL GRF General Revenue Fund Group		\$ 1,834,400,000	\$ 1,854,000,000		73943
Revenue Distribution Fund Group					73944
5JG0 110633	Gross Casino Revenue	\$ 150,000,000	\$ 153,000,000		73945
	Payments-County				
5JH0 110634	Gross Casino Revenue	\$ 99,800,000	\$ 101,800,000		73946
	Payments- School Districts				
5JJ0 110636	Gross Casino Revenue	\$ 14,700,000	\$ 15,000,000		73947
	- Host City				

7047	200902	Property Tax Replacement Phase Out-Education	\$ 83,157,236	\$ 72,308,288	73948
7049	336900	Indigent Drivers Alcohol Treatment	\$ 2,250,000	\$ 0	73949
7050	762900	International Registration Plan Distribution	\$ 23,000,000	\$ 23,000,000	73950
7051	762901	Auto Registration Distribution	\$ 328,000,000	\$ 328,000,000	73951
7060	110960	Gasoline Excise Tax Fund	\$ 900,000,000	\$ 920,000,000	73952
7065	110965	Public Library Fund	\$ 428,000,000	\$ 443,000,000	73953
7066	800966	Undivided Liquor Permits	\$ 14,600,000	\$ 14,600,000	73954
7069	110969	Local Government Fund	\$ 428,000,000	\$ 443,000,000	73955
7081	110907	Property Tax Replacement Phase Out-Local Government	\$ 7,000,000	\$ 6,000,000	73956
7082	110982	Horse Racing Tax	\$ 60,000	\$ 60,000	73957
7083	700900	Ohio Fairs Fund	\$ 1,000,000	\$ 1,000,000	73958
TOTAL RDF Revenue Distribution					73959
Fund Group			\$ 2,479,567,236	\$ 2,520,768,288	73960
Fiduciary Fund Group					73961
4P80	001698	Cash Management Improvement Fund	\$ 3,100,000	\$ 3,100,000	73962
5VR0	110902	Municipal Net Profit Tax	\$ 70,000,000	\$ 75,000,000	73963
6080	001699	Investment Earnings	\$ 120,000,000	\$ 120,000,000	73964
7001	110996	Horse Racing Tax Local Government Payments	\$ 240,000	\$ 240,000	73965
7062	110962	Resort Area Excise	\$ 1,500,000	\$ 1,500,000	73966

		Tax Distribution				
7063	110963	Permissive Sales Tax	\$ 2,928,800,000	\$ 3,057,700,000		73967
		Distribution				
7067	110967	School District	\$ 560,900,000	\$ 594,000,000		73968
		Income Tax				
		Distribution				
7085	800985	Volunteer Firemen's	\$ 300,000	\$ 300,000		73969
		Dependents Fund				
7093	110640	Next Generation 9-1-1	\$ 1,000,000	\$ 1,000,000		73970
7094	110641	Wireless 9-1-1	\$ 25,900,000	\$ 26,000,000		73971
		Government Assistance				
7095	110995	Municipal Income Tax	\$ 20,000,000	\$ 20,000,000		73972
7099	762902	Permissive Tax	\$ 235,000,000	\$ 242,000,000		73973
		Distribution - Auto				
		Registration				
TOTAL FID	Fiduciary Fund Group		\$ 3,966,740,000	\$ 4,140,840,000		73974
	Holding Account Fund Group					73975
R045	110617	International Fuel	\$ 56,100,000	\$ 56,100,000		73976
		Tax Distribution				
TOTAL HLD	Holding Account Fund		\$ 56,100,000	\$ 56,100,000		73977
	Group					
TOTAL ALL BUDGET FUND GROUPS			\$ 8,336,807,236	\$ 8,571,708,288		73978

Section 387.20. ADDITIONAL APPROPRIATIONS 73980

Appropriation items in Section 387.10 of this act shall be 73981
used for the purpose of administering and distributing the 73982
designated revenue distribution funds according to the Revised 73983
Code. If it is determined that additional appropriations are 73984
necessary for this purpose in any appropriation items in Section 73985
387.10 of this act, such amounts are hereby appropriated. 73986

GENERAL REVENUE FUND TRANSFERS 73987

Notwithstanding any provision of law to the contrary, in 73988

fiscal year 2022 and fiscal year 2023, the Director of Budget and Management may transfer from the General Revenue Fund to the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) in the Revenue Distribution Fund Group, those amounts necessary to reimburse local taxing units and school districts under sections 5709.92 and 5709.93 of the Revised Code. Also, in fiscal year 2022 and fiscal year 2023, the Director of Budget and Management may make temporary transfers from the General Revenue Fund to ensure sufficient balances in the Local Government Tangible Property Tax Replacement Fund (Fund 7081) and the School District Tangible Property Tax Replacement Fund (Fund 7047) and to replenish the General Revenue Fund for such transfers.

PROPERTY TAX REIMBURSEMENT - EDUCATION

The foregoing appropriation item 200903, Property Tax Reimbursement - Education, is appropriated to pay for the state's costs incurred because of the homestead exemption, the property tax rollback, and payments required under division (C) of section 5705.2110 of the Revised Code. In cooperation with the Department of Taxation, the Department of Education shall distribute these funds directly to the appropriate school districts of the state, notwithstanding sections 321.24 and 323.156 of the Revised Code, which provide for payment of the homestead exemption and property tax rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each school district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated 74021
in appropriation item 200903, Property Tax Reimbursement - 74022
Education, for the homestead exemption and the property tax 74023
rollback payments, and payments required under division (C) of 74024
section 5705.2110 of the Revised Code, which are determined to be 74025
necessary for these purposes, are hereby appropriated. 74026

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 74027

The foregoing appropriation item 110908, Property Tax 74028
Reimbursement-Local Government, is hereby appropriated to pay for 74029
the state's costs incurred due to the Homestead Exemption, the 74030
Manufactured Home Property Tax Rollback, and the Property Tax 74031
Rollback. The Tax Commissioner shall distribute these funds 74032
directly to the appropriate local taxing districts, except for 74033
school districts, notwithstanding the provisions in sections 74034
321.24 and 323.156 of the Revised Code, which provide for payment 74035
of the Homestead Exemption, the Manufactured Home Property Tax 74036
Rollback, and Property Tax Rollback by the Tax Commissioner to the 74037
appropriate county treasurer and the subsequent redistribution of 74038
these funds to the appropriate local taxing districts by the 74039
county auditor. 74040

Upon receipt of these amounts, each local taxing district 74041
shall distribute the amount among the proper funds as if it had 74042
been paid as real property taxes. Payments for the costs of 74043
administration shall continue to be paid to the county treasurer 74044
and county auditor as provided for in sections 319.54, 321.26, and 74045
323.156 of the Revised Code. 74046

Any sums, in addition to the amounts specifically 74047
appropriated in appropriation item 110908, Property Tax Allocation 74048
- Local Government, for the Homestead Exemption, the Manufactured 74049
Home Property Tax Rollback, and the Property Tax Rollback 74050
payments, which are determined to be necessary for these purposes, 74051
are hereby appropriated. 74052

TANGIBLE PERSONAL PROPERTY TAX REIMBURSEMENTS 74053

Notwithstanding any provision of law to the contrary, in 74054
fiscal years 2022 and 2023, any city, local, or exempted village 74055
school district that has a nuclear power plant located within its 74056
territory shall receive the same payment amount under section 74057
5709.92 of the Revised Code as in fiscal year 2017. 74058

MUNICIPAL INCOME TAX 74059

The foregoing appropriation item 110995, Municipal Income 74060
Tax, shall be used to make payments to municipal corporations 74061
under section 5745.05 of the Revised Code. If it is determined 74062
that additional appropriations are necessary to make such 74063
payments, such amounts are hereby appropriated. 74064

MUNICIPAL NET PROFIT TAX 74065

The foregoing appropriation item 110902, Municipal Net Profit 74066
Tax, shall be used to make payments to municipal corporations 74067
under section 718.83 of the Revised Code. If it is determined that 74068
additional amounts are necessary to make such payments, such 74069
amounts are hereby appropriated. 74070

During fiscal year 2022 and fiscal year 2023, if the Tax 74071
Commissioner determines that there is insufficient cash in the 74072
Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly 74073
distribution obligations under section 718.83 of the Revised Code, 74074
the Tax Commissioner shall certify to the Director of Budget and 74075
Management the amount of additional cash necessary to satisfy 74076
those obligations. In addition, the Commissioner shall submit a 74077
plan to the Director requesting the necessary cash be transferred 74078
from one or a combination of the following funds: the Municipal 74079
Income Tax Administrative Fund, the Local Sales Tax Administrative 74080
Fund, the General School District Income Tax Administrative Fund, 74081
the Motor Fuel Tax Administrative Fund, the Property Tax 74082
Administrative Fund, or the General Revenue Fund. This plan shall 74083

include a proposed repayment schedule to reimburse those funds for 74084
any cash transferred in accordance with this section. After 74085
receiving the certification and funding plan from the Tax 74086
Commissioner and if the Director determines that sufficient cash 74087
is available, the Director may transfer the cash to the Municipal 74088
Net Profit Tax Fund in accordance with the plan submitted by the 74089
Tax Commissioner or as otherwise determined by the Director of 74090
Budget and Management. The Director of Budget and Management may 74091
transfer cash from the Municipal Net Profit Tax Fund to reimburse 74092
the funds from which cash was transferred for the purpose outlined 74093
in this section. 74094

Section 391.10. OSB OHIO STATE SCHOOL FOR THE BLIND 74095

General Revenue Fund 74096

GRF 226321	Operations	\$	12,599,774	\$	12,801,135	74097
TOTAL GRF	General Revenue Fund	\$	12,599,774	\$	12,801,135	74098

Dedicated Purpose Fund Group 74099

4H80 226602	Education Reform	\$	200,000	\$	200,000	74100
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Grants

4M50 226601	Work Study and	\$	300,000	\$	300,000	74101
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Technology Investment

5NJ0 226622	Food Service Program	\$	10,500	\$	10,500	74102
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TOTAL DPF	Dedicated Purpose Fund	\$	510,500	\$	510,500	74103
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Group

Federal Fund Group 74104

3100 226626	Federal Grants	\$	842,850	\$	842,850	74105
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3DT0 226621	Ohio Transition	\$	265,000	\$	265,000	74106
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Collaborative

3P50 226643	Medicaid Professional	\$	100,000	\$	100,000	74107
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Services

Reimbursement

TOTAL FED	Federal Fund Group	\$	1,207,850	\$	1,207,850	74108
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TOTAL ALL BUDGET FUND GROUPS	\$	14,318,124	\$	14,519,485	74109
 Section 393.10. OSD OHIO SCHOOL FOR THE DEAF					74111
General Revenue Fund					74112
GRF 221321 Operations	\$	13,940,430	\$	14,164,662	74113
TOTAL GRF General Revenue Fund	\$	13,940,430	\$	14,164,662	74114
Dedicated Purpose Fund Group					74115
4M00 221601 Educational Program	\$	200,000	\$	200,000	74116
Expenses					
4M10 221602 Education Reform	\$	210,000	\$	210,000	74117
Grants					
5H60 221609 Even Start Fees and	\$	53,000	\$	53,000	74118
Gifts					
5NK0 221610 Food Service Program	\$	10,500	\$	10,500	74119
TOTAL DPF Dedicated Purpose Fund	\$	473,500	\$	473,500	74120
Group					
Federal Fund Group					74121
3110 221625 Federal Grants	\$	281,000	\$	281,000	74122
3R00 221684 Medicaid Professional	\$	206,000	\$	206,000	74123
Services					
Reimbursement					
TOTAL FED Federal Fund Group	\$	487,000	\$	487,000	74124
TOTAL ALL BUDGET FUND GROUPS	\$	14,900,930	\$	15,125,162	74125
 Section 395.10. SOS SECRETARY OF STATE					74127
General Revenue Fund					74128
GRF 050321 Operating Expenses	\$	890,000	\$	890,000	74129
GRF 050407 Poll Workers Training	\$	234,196	\$	234,196	74130
GRF 050509 County Voting Systems	\$	12,500,000	\$	12,500,000	74131
Lease Rental Payments					
TOTAL GRF General Revenue Fund	\$	13,624,196	\$	13,624,196	74132
Dedicated Purpose Fund Group					74133

4120	050609	Notary Commission	\$	475,000	\$	475,000	74134
4S80	050610	Board of Voting Machine Examiners	\$	14,400	\$	14,400	74135
5990	050603	Business Services Operating Expenses	\$	17,923,793	\$	16,872,298	74136
5990	050629	Statewide Voter Registration Database	\$	700,000	\$	700,000	74137
5990	050630	Elections Support Supplement	\$	2,390,000	\$	2,500,000	74138
5FG0	050620	BOE Reimbursement and Education	\$	200,000	\$	200,000	74139
5SN0	050626	Address Confidentiality	\$	200,000	\$	200,000	74140
TOTAL DPF	Dedicated Purpose Fund Group		\$	21,903,193	\$	20,961,698	74141
Holding Account Fund Group							74142
R002	050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	74143
TOTAL HLD	Holding Account Fund Group		\$	85,000	\$	85,000	74144
Federal Fund Group							74145
3AS0	050616	Help America Vote Act (HAVA)	\$	1,500,000	\$	1,500,000	74146
TOTAL FED	Federal Fund Group		\$	1,500,000	\$	1,500,000	74147
TOTAL ALL	BUDGET FUND GROUPS		\$	37,112,389	\$	36,170,894	74148

Section 395.20. POLL WORKERS TRAINING 74150

The foregoing appropriation item 050407, Poll Workers 74151
 Training, shall be used to reimburse county boards of elections 74152
 for precinct election official (PEO) training pursuant to section 74153
 3501.27 of the Revised Code. An amount equal to the unexpended, 74154
 unencumbered portion of the foregoing appropriation item 050407, 74155

Poll Workers Training at the end of fiscal year 2022 is hereby 74156
reappropriated to fiscal year 2023 for the same purpose. 74157

COUNTY VOTING SYSTEMS LEASE RENTAL PAYMENTS 74158

The foregoing appropriation item 050509, County Voting 74159
Systems Lease Rental Payments, shall be used to make payments 74160
during the period from July 1, 2021, through June 30, 2023, 74161
pursuant to leases and agreements entered into under Section 4 of 74162
S.B. 135 of the 132nd General Assembly with respect to financing 74163
the costs associated with the acquisition, development, 74164
installation, and implementation of county voting systems. 74165

BOARD OF VOTING MACHINE EXAMINERS 74166

The foregoing appropriation item 050610, Board of Voting 74167
Machine Examiners, shall be used to pay for the services and 74168
expenses of the members of the Board of Voting Machine Examiners, 74169
and for other expenses that are authorized to be paid from the 74170
Board of Voting Machine Examiners Fund (Fund 4S80) created in 74171
section 3506.05 of the Revised Code. Moneys not used shall be 74172
returned to the person or entity submitting equipment for 74173
examination. If it is determined by the Secretary of State that 74174
additional appropriation amounts are necessary, the Secretary of 74175
State may request that the Director of Budget and Management 74176
approve such amounts. Upon approval of the Director of Budget and 74177
Management, such amounts are hereby appropriated. 74178

BALLOT ADVERTISING COSTS 74179

Notwithstanding division (G) of section 3501.17 of the 74180
Revised Code, upon requests submitted by the Secretary of State, 74181
the Controlling Board may approve transfers from the Controlling 74182
Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the 74183
Statewide Ballot Advertising Fund (Fund 5FH0) in order to pay for 74184
the cost of public notices associated with statewide ballot 74185
initiatives. 74186

ABSENT VOTER'S BALLOT APPLICATION MAILING 74187

Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2022.

ADDRESS CONFIDENTIALITY PROGRAM 74196

Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$200,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).

WOMEN'S SUFFRAGE CENTENNIAL COMMISSION 74201

The foregoing appropriation item 050634, Women's Suffrage Centennial Commission, shall be used to carry out the duties of the Womens' Suffrage Commission in accordance with S.B. 30 of the 133rd General Assembly. An amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050634, Women's Suffrage Centennial Commission, at the end of fiscal year 2021 is hereby reappropriated to fiscal year 2022 for the same purpose.

An amount equal to the unexpended, unencumbered, portion of the foregoing appropriation item 050634, Women's Suffrage Centennial Commission, at the end of fiscal year 2022 is hereby reappropriated in fiscal year 2023 for the same purpose.

CORPORATE/BUSINESS FILING REFUNDS 74214

The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are

directed to the appropriate accounts or until they are refunded. 74217
If it is determined by the Secretary of State that additional 74218
appropriation amounts are necessary, the Secretary of State may 74219
request that the Director of Budget and Management approve such 74220
amounts. Upon approval of the Director of Budget and Management, 74221
such amounts are hereby appropriated. 74222

HAVA FUNDS 74223

An amount equal to the unexpended, unencumbered portion of 74224
appropriation item 050616, Help America Vote Act (HAVA), at the 74225
end of fiscal year 2021 is hereby reappropriated for the same 74226
purpose in fiscal year 2022. 74227

An amount equal to the unexpended, unencumbered portion of 74228
appropriation item 050616, Help America Vote Act (HAVA), at the 74229
end of fiscal year 2022 is hereby reappropriated for the same 74230
purpose in fiscal year 2023. 74231

Section 397.10. SEN THE OHIO SENATE 74232

GRF 020321	Operating Expenses	\$	15,902,029	\$	15,902,029	74233
TOTAL GRF	General Revenue Fund	\$	15,902,029	\$	15,902,029	74234

Internal Service Activity Fund Group 74235

1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	74236
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4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	74237
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TOTAL ISA Internal Service Activity 74238

Fund Group		\$	460,297	\$	460,297	74239
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TOTAL ALL BUDGET FUND GROUPS		\$	16,362,326	\$	16,362,326	74240
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OPERATING EXPENSES 74241

On July 1, 2021, or as soon as possible thereafter, the Clerk 74242
of the Senate may certify to the Director of Budget and Management 74243
an amount up to the unexpended, unencumbered balance of the 74244
foregoing appropriation item 020321, Operating Expenses, at the 74245
end of fiscal year 2021 to be reappropriated to fiscal year 2022. 74246

The amount certified is hereby reappropriated to the same 74247
 appropriation item for fiscal year 2022. 74248

On July 1, 2022, or as soon as possible thereafter, the Clerk 74249
 of the Senate may certify to the Director of Budget and Management 74250
 an amount up to the unexpended, unencumbered balance of the 74251
 foregoing appropriation item 020321, Operating Expenses, at the 74252
 end of fiscal year 2022 to be reappropriated to fiscal year 2023. 74253
 The amount certified is hereby reappropriated to the same 74254
 appropriation item for fiscal year 2023. 74255

Section 399.10. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 74256

General Revenue Fund 74257

GRF 866321 CSV Operations	\$	529,252	\$	529,252	74258
TOTAL GRF General Revenue Fund	\$	529,252	\$	529,252	74259

Dedicated Purpose Fund Group 74260

5GN0 866605 Serve Ohio Support	\$	30,000	\$	30,000	74261
TOTAL DPF Dedicated Purpose Fund	\$	30,000	\$	30,000	74262

Group

Federal Fund Group 74263

3R70 866617 AmeriCorps Programs	\$	10,121,612	\$	10,144,716	74264
TOTAL FED Federal Fund Group	\$	10,121,612	\$	10,144,716	74265
TOTAL ALL BUDGET FUND GROUPS	\$	10,680,864	\$	10,703,968	74266

Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND 74268

Debt Service Fund Group 74269

7070 155905 Third Frontier	\$	69,000,000	\$	76,000,000	74270
Research and					
Development Bond					
Retirement Fund					

7072 155902 Highway Capital	\$	164,700,000	\$	164,700,000	74271
Improvement Bond					

		Retirement Fund					
7073	155903	Natural Resources Bond	\$	20,600,000	\$	23,000,000	74272
		Retirement Fund					
7074	155904	Conservation Projects	\$	50,500,000	\$	53,500,000	74273
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	7,300,000	\$	8,500,000	74274
		Development Bond					
		Retirement Fund					
7077	155907	State Capital	\$	246,500,000	\$	237,000,000	74275
		Improvement Bond					
		Retirement Fund					
7078	155908	Common Schools Bond	\$	427,000,000	\$	390,000,000	74276
		Retirement Fund					
7079	155909	Higher Education Bond	\$	331,000,000	\$	301,000,000	74277
		Retirement Fund					
7080	155901	Persian Gulf,	\$	5,375,000	\$	5,000,000	74278
		Afghanistan, and Iraq					
		Conflict Bond					
		Retirement Fund					
7090	155912	Job Ready Site	\$	4,605,000	\$	4,605,000	74279
		Development Bond					
		Retirement Fund					
TOTAL DSF Debt Service Fund Group			\$	1,326,580,000	\$	1,263,305,000	74280
TOTAL ALL BUDGET FUND GROUPS			\$	1,326,580,000	\$	1,263,305,000	74281

ADDITIONAL APPROPRIATIONS 74282

Appropriation items in this section are for the purpose of 74283
 paying debt service and financing costs during the period from 74284
 July 1, 2021, through June 30, 2023, on bonds or notes of the 74285
 state issued under the Ohio Constitution, Revised Code, and acts 74286
 of the General Assembly. If it is determined that additional 74287
 amounts are necessary for this purpose, such amounts are hereby 74288
 appropriated. 74289

Section 403.10.	SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY				74290
	DEVELOPMENT FOUNDATION				74291
	Dedicated Purpose Fund Group				74292
5M90 945601	Operating Expenses	\$	98,270	\$	0 74293
TOTAL DPF Dedicated Purpose Fund		\$	98,270	\$	0 74294
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	98,270	\$	0 74295
Section 404.10.	SHP STATE SPEECH AND HEARING PROFESSIONALS				74297
	BOARD				74298
	Dedicated Purpose Fund Group				74299
4K90 123609	Operating Expenses	\$	636,709	\$	636,709 74300
TOTAL DPF Dedicated Purpose Fund		\$	636,709	\$	636,709 74301
	Group				
TOTAL ALL BUDGET FUND GROUPS		\$	636,709	\$	636,709 74302
Section 407.10.	BTA BOARD OF TAX APPEALS				74304
	General Revenue Fund				74305
GRF 116321	Operating Expenses	\$	1,753,243	\$	1,803,160 74306
TOTAL GRF General Revenue Fund		\$	1,753,243	\$	1,803,160 74307
TOTAL ALL BUDGET FUND GROUPS		\$	1,753,243	\$	1,803,160 74308
Section 409.10.	TAX DEPARTMENT OF TAXATION				74310
	General Revenue Fund				74311
GRF 110321	Operating Expenses	\$	56,240,803	\$	56,504,746 74312
GRF 110404	Tobacco Settlement	\$	150,810	\$	150,810 74313
	Enforcement				
TOTAL GRF General Revenue Fund		\$	56,391,613	\$	56,655,556 74314
	Dedicated Purpose Fund Group				74315
2280 110628	CAT Administration	\$	10,964,720	\$	10,964,720 74316
4350 110607	Local Tax	\$	31,020,628	\$	31,020,628 74317

		Administration					
4360	110608	Motor Vehicle Audit	\$	1,500,000	\$	1,500,000	74318
		Administration					
4380	110609	School District	\$	9,000,000	\$	9,000,000	74319
		Income Tax					
		Administration					
4C60	110616	International	\$	705,869	\$	705,869	74320
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	180,000	\$	180,000	74321
		Administration					
5BP0	110639	Wireless 9-1-1	\$	298,794	\$	298,794	74322
		Administration					
5JM0	110637	Casino Tax	\$	125,000	\$	125,000	74323
		Administration					
5N50	110605	Municipal Income Tax	\$	200,000	\$	200,000	74324
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	74325
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	74326
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	6,000,000	\$	6,000,000	74327
		Administration					
5V80	110623	Property Tax	\$	5,000,000	\$	5,000,000	74328
		Administration					
6390	110614	Cigarette Tax	\$	1,450,000	\$	1,450,000	74329
		Enforcement					
6880	110615	Local Excise Tax	\$	500,000	\$	500,000	74330
		Administration					
TOTAL DPF		Dedicated Purpose Fund	\$	68,045,011	\$	68,045,011	74331
		Group					
		Fiduciary Fund Group					74332
4250	110635	Tax Refunds	\$	2,179,769,300	\$	2,179,769,300	74333

5CZ0 110631	Vendor's License	\$	380,000	\$	380,000	74334
	Application					
TOTAL FID	Fiduciary Fund Group	\$	2,180,149,300	\$	2,180,149,300	74335
	Holding Account Fund Group					74336
R010 110611	Tax Distributions	\$	25,000	\$	25,000	74337
R011 110612	Miscellaneous Income	\$	500	\$	500	74338
	Tax Receipts					
TOTAL HLD	Holding Account Fund	\$	25,500	\$	25,500	74339
	Group					
TOTAL ALL BUDGET FUND GROUPS		\$	2,304,611,424	\$	2,304,875,367	74340

Section 409.20. TAX REFUNDS 74342

The foregoing appropriation item 110635, Tax Refunds, shall 74343
be used to pay refunds under section 5703.052 of the Revised Code. 74344
If it is determined that additional appropriations are necessary 74345
for this purpose, such amounts are hereby appropriated. 74346

VENDOR'S LICENSE PAYMENTS 74347

The foregoing appropriation item 110631, Vendor's License 74348
Application, shall be used to make payments to county auditors 74349
under section 5739.17 of the Revised Code. If it is determined 74350
that additional appropriations are necessary to make such 74351
payments, such amounts are hereby appropriated. 74352

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 74353

The foregoing appropriation item 110616, International 74354
Registration Plan Administration, shall be used under section 74355
5703.12 of the Revised Code for audits of persons with vehicles 74356
registered under the International Registration Plan. 74357

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 74358

Of the foregoing appropriation item 110607, Local Tax 74359
Administration, the Tax Commissioner may disburse funds, if 74360
available, for the purposes of paying travel expenses incurred by 74361

members of Ohio's delegation to the Streamlined Sales Tax Project, 74362
as appointed under section 5740.02 of the Revised Code. Any travel 74363
expense reimbursement paid for by the Department of Taxation shall 74364
be done in accordance with applicable state laws and guidelines. 74365

TOBACCO SETTLEMENT ENFORCEMENT 74366

The foregoing appropriation item 110404, Tobacco Settlement 74367
Enforcement, shall be used by the Tax Commissioner to pay costs 74368
incurred in the enforcement of divisions (F) and (G) of section 74369
5743.03 of the Revised Code. 74370

PROPERTY TAX ADMINISTRATION 74371

Notwithstanding section 5703.80 or division (F) of section 74372
321.24 of the Revised Code, in fiscal year 2022, the Tax 74373
Commissioner shall not compute or certify the amounts calculated 74374
under divisions (A) and (B) of that section as amended by this 74375
act. The Director of Budget and Management shall not transfer any 74376
amounts from the General Revenue Fund to the Property Tax 74377
Administration Fund in fiscal year 2022. In fiscal year 2022, the 74378
Tax Commissioner shall not subtract any amounts computed under 74379
section 5703.80 of the Revised Code, as amended by this act, from 74380
the payments made from the General Revenue Fund to county 74381
treasurers under division (F) of section 321.24 of the Revised 74382
Code. In fiscal year 2023, the Property Tax Administration Fund 74383
shall be funded as provided in section 5703.80 and division (F) of 74384
section 321.24 of the Revised Code. 74385

Section 411.10. DOT DEPARTMENT OF TRANSPORTATION 74386

General Revenue Fund 74387

GRF 775470 Public \$ 7,362,778 7,362,778 74388

Transportation-State

GRF 776465 Rail Development \$ 2,000,000 \$ 2,000,000 74389

GRF 777471 Airport Improvements \$ 6,419,687 \$ 7,404,687 74390

- State

TOTAL GRF General Revenue Fund	\$	15,782,465	\$	16,767,465	74391
TOTAL ALL BUDGET FUND GROUPS	\$	15,782,465	\$	16,767,465	74392

Section 411.20. PUBLIC TRANSPORTATION - STATE 74394

Of the foregoing appropriation item 775470, Public 74395
Transportation - State, \$7,362,778 in each fiscal year shall be 74396
used for grants to support public transit. 74397

Section 411.30. AIRPORT IMPROVEMENTS - STATE 74398

The foregoing appropriation item 777471, Airport Improvements 74399
- State, shall be used for the Ohio Airport Grant Program in 74400
supporting capital improvements, maintaining infrastructure, and 74401
ensuring safety at publicly owned, public use airports in Ohio. 74402

Section 413.10. TOS TREASURER OF STATE 74403

General Revenue Fund 74404

GRF 090321	Operating Expenses	\$	8,037,839	\$	8,037,839	74405
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GRF 090401	Office of the Sinking	\$	463,662	\$	463,662	74406
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Fund

GRF 090402	Continuing Education	\$	175,000	\$	175,000	74407
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GRF 090406	Treasury Management	\$	1,125,000	\$	1,120,000	74408
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System Lease Rental

Payments

GRF 090613	STABLE Account	\$	1,480,987	\$	1,480,987	74409
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Administration

TOTAL GRF General Revenue Fund	\$	11,282,488	\$	11,277,488	74410
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Dedicated Purpose Fund Group 74411

4E90 090603	Securities Lending	\$	7,843,565	\$	7,843,565	74412
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Income

4X90 090614	Political Subdivision	\$	45,000	\$	45,000	74413
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Obligation

5770	090605	Investment Pool	\$	1,050,000	\$	1,050,000	74414
		Reimbursement					
5C50	090602	County Treasurer	\$	240,057	\$	240,057	74415
		Education					
5NH0	090610	OhioMeansJobs	\$	250,000	\$	250,000	74416
		Workforce Development					
6050	090609	Treasurer of State	\$	700,000	\$	700,000	74417
		Administrative Fund					
TOTAL DPF Dedicated Purpose							74418
Fund Group			\$	10,128,622	\$	10,128,622	74419
Fiduciary Fund Group							74420
4250	090635	Tax Refunds	\$	12,000,000	\$	12,000,000	74421
TOTAL FID Fiduciary Fund Group			\$	12,000,000	\$	12,000,000	74422
TOTAL ALL BUDGET FUND GROUPS			\$	33,411,110	\$	33,406,110	74423

Section 413.20. OFFICE OF THE SINKING FUND 74425

The foregoing appropriation item 090401, Office of the 74426
Sinking Fund, shall be used for costs incurred by or on behalf of 74427
the Commissioners of the Sinking Fund and the Ohio Public 74428
Facilities Commission with respect to State of Ohio general 74429
obligation bonds or notes, and the Treasurer of State with respect 74430
to State of Ohio general obligation and special obligation bonds 74431
or notes, including, but not limited to, printing, advertising, 74432
delivery, rating fees and the procurement of ratings, professional 74433
publications, membership in professional organizations, and other 74434
services referred to in division (D) of section 151.01 of the 74435
Revised Code. The General Revenue Fund shall be reimbursed for 74436
such costs relating to the issuance and administration of Highway 74437
Capital Improvement bonds or notes authorized under Ohio 74438
Constitution, Article VIII, Section 2m and Chapter 151. of the 74439
Revised Code. That reimbursement shall be made from appropriation 74440
item 155902, Highway Capital Improvement Bond Retirement Fund, by 74441
intrastate transfer voucher pursuant to a certification by the 74442

Office of the Sinking Fund of the actual amounts used. The amounts 74443
necessary to make such a reimbursement are hereby appropriated 74444
from the Highway Capital Improvement Bond Retirement Fund created 74445
in section 151.06 of the Revised Code. 74446

STABLE ACCOUNT ADMINISTRATION 74447

The foregoing appropriation item 090613, STABLE Account 74448
Administration, shall be used for administration of an Achieve a 74449
Better Living Experience (ABLE) account program. 74450

TAX REFUNDS 74451

The foregoing appropriation item 090635, Tax Refunds, shall 74452
be used to pay refunds under section 5703.052 of the Revised Code. 74453
If the Director of Budget and Management determines that 74454
additional amounts are necessary for this purpose, such amounts 74455
are hereby appropriated. 74456

Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 74457
PAYMENTS 74458

The foregoing appropriation item 090406, Treasury Management 74459
System Lease Rental Payments, shall be used to make payments 74460
during the period from July 1, 2021, through June 30, 2023, 74461
pursuant to leases and agreements entered into under Section 74462
701.20 of H.B. 497 of the 130th General Assembly and other prior 74463
acts of the General Assembly with respect to financing the costs 74464
associated with the acquisition, development, implementation, and 74465
integration of the Treasury Management System. 74466

Section 413.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 74467
LOAN PROGRAM 74468

The foregoing appropriation item 090610, OhioMeansJobs 74469
Workforce Development, shall be used for the OhioMeansJobs 74470
Workforce Development Revolving Loan Program to provide loans to 74471

individuals for workforce training. 74472

Of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 2022 may be used by the Treasurer of State to administer the program. 74473
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Any unexpended and unencumbered portion of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, at the end of fiscal year 2022 is hereby reappropriated for the same purpose in fiscal year 2023. To the extent that reappropriated funds are available, of the foregoing appropriation item 090610, OhioMeansJobs Workforce Development, up to \$250,000 in fiscal year 2023 may be used by the Treasurer of State to administer the program. 74476
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The Treasurer of State shall determine, during the second half of fiscal year 2023, if the cash balance and anticipated loan repayments to the OhioMeansJobs Workforce Development Revolving Loan Fund (Fund 5NH0), will be sufficient to meet the appropriation level of \$250,000 in fiscal year 2023. If those resources are insufficient, the Treasurer of State may submit a request to the Controlling Board for a transfer of up to \$325,000 cash from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0), to Fund 5NH0. 74484
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Section 414.10. VTO VETERANS' ORGANIZATIONS 74493

General Revenue Fund 74494

VAP AMERICAN EX-PRISONERS OF WAR 74495

GRF	743501	State Support	\$	31,895	\$	31,895	74496
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VAN ARMY AND NAVY UNION, USA, INC. 74497

GRF	746501	State Support	\$	68,808	\$	68,808	74498
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VKW KOREAN WAR VETERANS 74499

GRF	747501	State Support	\$	62,400	\$	62,400	74500
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VJW JEWISH WAR VETERANS 74501

GRF	748501	State Support	\$	37,865	\$	37,865	74502
		VCW CATHOLIC WAR VETERANS					74503
GRF	749501	State Support	\$	72,800	\$	72,800	74504
		VPH MILITARY ORDER OF THE PURPLE HEART					74505
GRF	750501	State Support	\$	72,800	\$	72,800	74506
		VVV VIETNAM VETERANS OF AMERICA					74507
GRF	751501	State Support	\$	236,948	\$	236,948	74508
		VAL AMERICAN LEGION OF OHIO					74509
GRF	752501	State Support	\$	385,237	\$	385,237	74510
		VII AMVETS					74511
GRF	753501	State Support	\$	366,877	\$	366,877	74512
		VAV DISABLED AMERICAN VETERANS					74513
GRF	754501	State Support	\$	275,628	\$	275,628	74514
		VMC MARINE CORPS LEAGUE					74515
GRF	756501	State Support	\$	169,520	\$	169,520	74516
		V37 37TH DIVISION VETERANS' ASSOCIATION					74517
GRF	757501	State Support	\$	10,400	\$	10,400	74518
		VFW VETERANS OF FOREIGN WARS					74519
GRF	758501	State Support	\$	314,246	\$	314,246	74520
TOTAL GRF		General Revenue Fund	\$	2,105,424	\$	2,105,424	74521
TOTAL ALL BUDGET FUND GROUPS			\$	2,105,424	\$	2,105,424	74522

Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES 74524

		General Revenue Fund					74525
GRF	900321	Veterans' Homes	\$	45,402,392	\$	45,393,691	74526
GRF	900402	Hall of Fame	\$	129,332	\$	135,813	74527
GRF	900408	Department of	\$	4,245,439	\$	4,247,659	74528
		Veterans Services					
GRF	900645	Veterans Long Term	\$	1,500,000	\$	1,500,000	74529
		Healthcare Needs and					
		Support (VET)					
GRF	900901	Veterans Compensation	\$	5,375,000	\$	5,000,000	74530
		General Obligation					

Bond Debt Service			
TOTAL GRF General Revenue Fund	\$	56,652,163	\$ 56,277,163 74531
Dedicated Purpose Fund Group 74532			
4840 900603 Veterans' Homes	\$	720,775	\$ 771,000 74533
Services			
4E20 900602 Veterans' Homes	\$	9,810,523	\$ 9,444,887 74534
Operating			
5CV1 900607 COVID Safety - Ohio	\$	2,000,000	\$ 0 74535
Veterans Homes			
5DB0 900643 Military Injury	\$	55,800	\$ 55,800 74536
Relief Program			
6040 900604 Veterans' Homes	\$	500,000	\$ 500,000 74537
Improvement			
TOTAL DPF Dedicated Purpose Fund	\$	13,087,098	\$ 10,771,687 74538
Group			
Debt Service Fund Group 74539			
7041 900615 Veteran Bonus Program	\$	187,286	\$ 163,224 74540
- Administration			
7041 900641 Persian Gulf,	\$	609,411	\$ 221,420 74541
Afghanistan, and Iraq			
Compensation			
TOTAL DSF Debt Service			74542
Fund Group	\$	796,697	\$ 384,644 74543
Federal Fund Group 74544			
3680 900614 Veterans Training	\$	903,149	\$ 922,108 74545
3BX0 900609 Medicare Services	\$	3,578,278	\$ 3,578,278 74546
3L20 900601 Veterans' Homes	\$	27,183,376	\$ 29,957,759 74547
Operations - Federal			
TOTAL FED Federal Fund Group	\$	31,664,803	\$ 34,458,145 74548
TOTAL ALL BUDGET FUND GROUPS	\$	102,200,761	\$ 101,891,639 74549
VETERANS ORGANIZATIONS' RENT 74550			
The foregoing appropriation item 900408, Department of 74551			

Veterans Services, shall be used to pay veterans organizations' 74552
rent in buildings managed by the Department of Administrative 74553
Services. 74554

UNIFORMS TO UNIONS 74555

Of the foregoing appropriation item 900408, Department of 74556
Veterans Services, \$150,000 in each fiscal year shall be used by 74557
the Director of Veterans Services to make grants to the Ohio State 74558
Building and Construction Trades Council for the Uniforms to 74559
Unions Ohio initiative and to hire an employee to run and promote 74560
the grant program. To the extent possible, the employee should be 74561
a veteran of the armed forces of the United States. Grant funds 74562
shall be used to recruit, retain, assist, and support National 74563
Guard, reserve, and active duty military member and veteran 74564
participation in apprenticeship programs registered with 74565
ApprenticeOhio to connect participants with career training and 74566
employment in the building and construction industry. 74567

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 74568

The foregoing appropriation item 900901, Veterans 74569
Compensation General Obligation Bond Debt Service, shall be used 74570
to pay all debt service and related financing costs during the 74571
period from July 1, 2021, through June 30, 2023, on obligations 74572
issued under Section 2r of Article VIII, Ohio Constitution. 74573

Section 417.10. DVM VETERINARY MEDICAL LICENSING BOARD 74574

Dedicated Purpose Fund Group 74575

4K90 888609	Operating Expenses	\$	444,238	\$	440,278	74576
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TOTAL DPF Dedicated Purpose						74577
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Fund Group		\$	444,238	\$	440,278	74578
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Internal Service Activity Fund Group 74579

5BU0 888602	Veterinary Student	\$	30,000	\$	30,000	74580
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Loan Program

TOTAL ISA Internal Service Activity				74581
Fund Group	\$	30,000	\$ 30,000	74582
TOTAL ALL BUDGET FUND GROUPS	\$	474,238	\$ 470,278	74583
 Section 419.10. VPB STATE VISION PROFESSIONALS BOARD				74585
Dedicated Purpose Fund Group				74586
4K90 129609 Operating Expenses	\$	654,140	\$ 654,140	74587
TOTAL DPF Dedicated Purpose Fund Group	\$	654,140	\$ 654,140	74588
TOTAL ALL BUDGET FUND GROUPS	\$	654,140	\$ 654,140	74589
 Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES				74591
General Revenue Fund				74592
GRF 470401 RECLAIM Ohio	\$	166,336,645	\$ 168,744,852	74593
GRF 470412 Juvenile Correctional Facilities Lease	\$	16,250,000	\$ 18,900,000	74594
Rental Bond Payments				
GRF 470510 Youth Services	\$	16,702,728	\$ 16,702,728	74595
GRF 472321 Parole Operations	\$	9,899,086	\$ 10,050,852	74596
GRF 477321 Administrative Operations	\$	13,741,605	\$ 14,036,850	74597
TOTAL GRF General Revenue Fund	\$	222,930,064	\$ 228,435,282	74598
Dedicated Purpose Fund Group				74599
1470 470612 Vocational Education	\$	1,538,933	\$ 1,416,746	74600
1750 470613 Education Services	\$	2,964,749	\$ 2,546,450	74601
4790 470609 Employee Food Service	\$	20,300	\$ 20,300	74602
4A20 470602 Child Support	\$	153,968	\$ 90,968	74603
4G60 470605 Juvenile Special Revenue - Non-Federal	\$	109,663	\$ 109,663	74604
5BN0 470629 E-Rate Program	\$	59,000	\$ 59,000	74605
TOTAL DPF Dedicated Purpose Fund Group	\$	4,846,613	\$ 4,243,127	74607

Federal Fund Group					74608	
3210 470601	Education	\$	974,805	\$	987,656	74609
3210 470603	Juvenile Justice	\$	2,289,557	\$	2,294,382	74610
	Prevention					
3210 470606	Nutrition	\$	930,000	\$	930,000	74611
3210 470614	Title IV-E	\$	3,386,344	\$	3,449,344	74612
	Reimbursements					
3V50 470604	Juvenile	\$	1,907,500	\$	1,907,501	74613
	Justice/Delinquency					
	Prevention					
TOTAL FED Federal						74614
Fund Group		\$	9,488,206	\$	9,568,883	74615
TOTAL ALL BUDGET FUND GROUPS		\$	237,264,883	\$	242,247,292	74616

COMMUNITY PROGRAMS 74617

For purposes of implementing juvenile sentencing reforms, and 74618
notwithstanding any provision of law to the contrary, the 74619
Department of Youth Services may use up to \$1,375,000 of the 74620
unexpended, unencumbered balance of the portion of appropriation 74621
item 470401, RECLAIM Ohio, that is allocated to juvenile 74622
correctional facilities in each fiscal year to expand Targeted 74623
RECLAIM, the Behavioral Health Juvenile Justice Initiative, and 74624
other evidence-based community programs. 74625

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 74626

The foregoing appropriation item 470412, Juvenile 74627
Correctional Facilities Lease Rental Bond Payments, shall be used 74628
to meet all payments during the period from July 1, 2021, through 74629
June 30, 2023, by the Department of Youth Services under the 74630
leases and agreements for facilities made under Chapters 152. and 74631
154. of the Revised Code. These appropriations are the source of 74632
funds pledged for bond service charges on related obligations 74633
issued under Chapters 152. and 154. of the Revised Code. 74634

EDUCATION SERVICES 74635

The foregoing appropriation item 470613, Education Services, 74636
shall be used to fund the operating expenses of providing 74637
educational services to youth supervised by the Department of 74638
Youth Services. Operating expenses include, but are not limited 74639
to, teachers' salaries, maintenance costs, and educational 74640
equipment. 74641

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 74642

In collaboration with the county family and children first 74643
council, the juvenile court of that county that receives 74644
allocations from one or both of the foregoing appropriation items 74645
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 74646
portions of those allocations to a flexible funding pool as 74647
authorized by the section of this act titled "FAMILY AND CHILDREN 74648
FIRST FLEXIBLE FUNDING POOL." 74649

Section 503.10. PERSONAL SERVICE EXPENSES 74650

Unless otherwise prohibited by law, any appropriation from 74651
which personal service expenses are paid shall bear the employer's 74652
share of public employees' retirement, workers' compensation, 74653
disabled workers' relief, and insurance programs; the costs of 74654
centralized financial services, centralized payroll processing, 74655
and related reports and services; centralized human resources 74656
services, including affirmative action and equal employment 74657
opportunity programs; the Office of Collective Bargaining; 74658
centralized information technology management services; 74659
administering the enterprise resource planning system; and 74660
administering the state employee merit system as required by 74661
section 124.07 of the Revised Code. These costs shall be 74662
determined in conformity with the appropriate sections of law and 74663
paid in accordance with procedures specified by the Office of 74664
Budget and Management. Expenditures from appropriation item 74665

070601, Public Audit Expense - Intra-State, may be exempted from 74666
the requirements of this section. 74667

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 74668
AGAINST THE STATE 74669

Except as otherwise provided in this section, an 74670
appropriation in this act or any other act may be used for the 74671
purpose of satisfying judgments, settlements, or administrative 74672
awards ordered or approved by the Court of Claims or by any other 74673
court of competent jurisdiction in connection with civil actions 74674
against the state. This authorization does not apply to 74675
appropriations to be applied to or used for payment of guarantees 74676
by or on behalf of the state, or for payments under lease 74677
agreements relating to, or debt service on, bonds, notes, or other 74678
obligations of the state. Notwithstanding any other statute to the 74679
contrary, this authorization includes appropriations from funds 74680
into which proceeds of direct obligations of the state are 74681
deposited only to the extent that the judgment, settlement, or 74682
administrative award is for, or represents, capital costs for 74683
which the appropriation may otherwise be used and is consistent 74684
with the purpose for which any related obligations were issued or 74685
entered into. Nothing contained in this section is intended to 74686
subject the state to suit in any forum in which it is not 74687
otherwise subject to suit, and is not intended to waive or 74688
compromise any defense or right available to the state in any suit 74689
against it. 74690

Section 503.30. CAPITAL PROJECT SETTLEMENTS 74691

This section specifies an additional and supplemental 74692
procedure to provide for payments of judgments and settlements if 74693
the Director of Budget and Management determines, pursuant to 74694
division (C)(4) of section 2743.19 of the Revised Code, that 74695

sufficient unencumbered moneys do not exist in the fund to support 74696
a particular appropriation to pay the amount of a final judgment 74697
rendered against the state or a state agency, including the 74698
settlement of a claim approved by a court, in an action upon and 74699
arising out of a contractual obligation for the construction or 74700
improvement of a capital facility if the costs under the contract 74701
were payable in whole or in part from a state capital projects 74702
appropriation. In such a case, the Director may either proceed 74703
pursuant to division (C)(4) of section 2743.19 of the Revised Code 74704
or apply to the Controlling Board to increase an appropriation or 74705
create an appropriation out of any unencumbered moneys in the 74706
state treasury to the credit of the capital projects fund from 74707
which the initial state appropriation was made. The amount of an 74708
increase in appropriation or new appropriation approved by the 74709
Controlling Board is hereby appropriated from the applicable 74710
capital projects fund and made available for the payment of the 74711
judgment or settlement. 74712

If the Director does not make the application authorized by 74713
this section or the Controlling Board disapproves the application, 74714
and the Director does not make application under division (C)(4) 74715
of section 2743.19 of the Revised Code, the Director shall for the 74716
purpose of making that payment make a request to the General 74717
Assembly as provided for in division (C)(5) of that section. 74718

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 74719

In order to provide funds for the reissuance of voided 74720
warrants under section 126.37 of the Revised Code, there is hereby 74721
appropriated, out of moneys in the state treasury from the fund 74722
credited as provided in section 126.37 of the Revised Code, that 74723
amount sufficient to pay such warrants when approved by the Office 74724
of Budget and Management. 74725

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED	74726
BALANCES OF OPERATING APPROPRIATIONS	74727
(A) Notwithstanding the original year of appropriation or	74728
encumbrance, the unexpended balance of an operating appropriation	74729
or reappropriation that a state agency lawfully encumbered prior	74730
to the close of fiscal year 2021 or fiscal year 2022 is hereby	74731
reappropriated on the first day of July of the following fiscal	74732
year from the fund from which it was originally appropriated or	74733
reappropriated for the period of time listed in this section and	74734
shall remain available only for the purpose of discharging the	74735
encumbrance:	74736
(1) For an encumbrance for personal services, maintenance,	74737
equipment, or items for resale not otherwise identified in this	74738
section, for a period of not more than five months from the end of	74739
the fiscal year;	74740
(2) For an encumbrance for an item of special order	74741
manufacture not available on state contract or in the open market,	74742
for a period of not more than five months from the end of the	74743
fiscal year or, with the written approval of the Director of	74744
Budget and Management, for a period of not more than twelve months	74745
from the end of the fiscal year;	74746
(3) For an encumbrance for reclamation of land or oil and gas	74747
wells, for a period ending when the encumbered appropriation is	74748
expended provided such period does not extend beyond the FY 2022 -	74749
FY 2023 biennium;	74750
(4) For an encumbrance for any other type of expense not	74751
otherwise identified in division (A)(1), (2), or (3) of this	74752
section, for such period as the Director approves, provided such	74753
period does not extend beyond the FY 2022 - FY 2023 biennium.	74754
(B) Any operating appropriations for which unexpended	74755

balances are reappropriated in fiscal year 2022 or fiscal year 74756
2023 pursuant to division (A)(2) of this section shall be reported 74757
to the Controlling Board by the Director of Budget and Management 74758
by the thirty-first day of December of each year. The report shall 74759
include the item, the cost of the item, and the name of the 74760
vendor. The report shall be updated on a quarterly basis for 74761
encumbrances remaining open. 74762

(C) Upon the expiration of the reappropriation period set out 74763
in division (A) of this section, a reappropriation made by this 74764
section lapses and the Director of Budget and Management shall 74765
cancel the encumbrance of the unexpended reappropriation not later 74766
than the end of the weekend following the expiration of the 74767
reappropriation period. 74768

(D) If the Controlling Board approved a purchase, that 74769
approval remains in effect so long as the appropriation used to 74770
make that purchase remains encumbered. 74771

Section 503.60. CORRECTION OF ACCOUNTING ERRORS 74772

(A) The Director of Budget and Management may correct 74773
accounting errors committed by the staff of the Office of Budget 74774
and Management, such as reestablishing encumbrances or 74775
appropriations canceled in error, during the cancellation of 74776
operating encumbrances in November and of non-operating 74777
encumbrances in December. 74778

(B) The Director of Budget and Management may at any time 74779
correct accounting errors committed by staff or a state agency or 74780
state institution of higher education, as defined in section 74781
3345.011 of the Revised Code, such as reestablishing prior year 74782
non-operating encumbrances canceled or modified in error. The 74783
reestablished encumbrance amounts are hereby appropriated. 74784

Section 503.70. TEMPORARY REVENUE HOLDING 74785

The Director of Budget and Management may create funds in the state treasury solely for the purpose of temporarily holding revenue required to be credited to a fund in the state treasury, whose disposition is not immediately known at the time of receipt. Once identified, the Director shall credit the revenue to the appropriate fund in the state treasury.

Upon certification by a director or head of a state agency, the Director of Budget and Management may create funds in the state treasury on behalf of an agency when the agency is required by law to detain funds in escrow. The Director of Budget and Management may transfer cash between funds within the state treasury to satisfy escrow requirements.

Section 503.80. APPROPRIATIONS RELATED TO CASH TRANSFERS AND RE-ESTABLISHMENT OF ENCUMBRANCES

Any cash transferred by the Director of Budget and Management under section 126.15 of the Revised Code is hereby appropriated. Any amounts necessary to re-establish appropriations or encumbrances under section 126.15 of the Revised Code are hereby appropriated.

Section 503.90. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may transfer appropriations between the Third Frontier Research and Development Fund (Fund 7011) and the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the Internal Revenue Code with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund

(Fund 7014) and make transfers of appropriations to them for 74816
projects originally funded from appropriations made from the Third 74817
Frontier Research and Development Fund (Fund 7011). 74818

Section 503.100. INCOME TAX DISTRIBUTION TO COUNTIES 74819

There are hereby appropriated out of any moneys in the state 74820
treasury to the credit of the General Revenue Fund, which are not 74821
otherwise appropriated, funds sufficient to make any payment 74822
required by division (B)(2) of section 5747.03 of the Revised 74823
Code. 74824

Section 503.110. EXPENDITURES AND APPROPRIATION INCREASES 74825
APPROVED BY THE CONTROLLING BOARD 74826

Any money that the Controlling Board approves for expenditure 74827
or any increase in appropriation that the Controlling Board 74828
approves under sections 127.14, 131.35, and 131.39 of the Revised 74829
Code or any other provision of law is hereby appropriated for the 74830
period ending June 30, 2023. 74831

Section 503.120. FUNDS RECEIVED FOR USE OF GOVERNOR'S 74832
RESIDENCE 74833

If the Governor's Residence Fund (Fund 4H20) receives payment 74834
for use of the residence pursuant to section 107.40 of the Revised 74835
Code, the amounts so received are hereby appropriated to 74836
appropriation item 100604, Governor's Residence Gift. 74837

Section 504.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 74838

Certain appropriations are in this act for the purpose of 74839
paying debt service and financing costs on general obligation 74840
bonds or notes of the state issued pursuant to the Ohio 74841
Constitution, Revised Code, and acts of the General Assembly. If 74842
it is determined that additional appropriations are necessary for 74843

this purpose, such amounts are hereby appropriated. 74844

Section 504.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 74845

Certain appropriations are in this act for the purpose of 74846
making lease rental payments pursuant to leases and agreements 74847
relating to bonds, notes, or other obligations issued by or on 74848
behalf of the state pursuant to the Ohio Constitution, Revised 74849
Code, and acts of the General Assembly. If it is determined that 74850
additional appropriations are necessary for this purpose, such 74851
amounts are hereby appropriated. 74852

Section 504.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 74853
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 74854

The Office of Budget and Management shall process payments 74855
from general obligation and lease rental payment appropriation 74856
items during the period from July 1, 2021, through June 30, 2023, 74857
relating to bonds, notes, or other obligations issued by or on 74858
behalf of the state pursuant to the Ohio Constitution, Revised 74859
Code, and acts of the General Assembly. Payments shall be made 74860
upon certification by the Treasurer of State of the dates and the 74861
amounts due on those dates. 74862

Section 505.10. ARBITRAGE REBATE AUTHORIZATION 74863

If it is determined that a payment is necessary in the amount 74864
computed at the time to represent the portion of investment income 74865
to be rebated or amounts in lieu of or in addition to any rebate 74866
amount to be paid to the federal government in order to maintain 74867
the exclusion from gross income for federal income tax purposes of 74868
interest on those state obligations under section 148(f) of the 74869
Internal Revenue Code, such an amount is hereby appropriated from 74870
those funds designated by or pursuant to the applicable 74871
proceedings authorizing the issuance of state obligations. 74872

Payments for this purpose shall be approved and vouchered by 74873
the Office of Budget and Management. 74874

Section 505.20. STATEWIDE INDIRECT COST RECOVERY 74875

Whenever the Director of Budget and Management determines 74876
that an appropriation made to a state agency from a fund of the 74877
state is insufficient to provide for the recovery of statewide 74878
indirect costs under section 126.12 of the Revised Code, the 74879
amount required for such purpose is hereby appropriated from the 74880
available receipts of such fund. 74881

Section 505.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 74882
COST ALLOCATION PLAN 74883

The total transfers made from the General Revenue Fund by the 74884
Director of Budget and Management under this section shall not 74885
exceed the amounts transferred into the General Revenue Fund under 74886
section 126.12 of the Revised Code. 74887

The director of an agency may certify to the Director of 74888
Budget and Management the amount of expenses not allowed to be 74889
included in the Statewide Indirect Cost Allocation Plan under 74890
federal regulations, from any fund included in the Statewide 74891
Indirect Cost Allocation Plan, prepared as required by section 74892
126.12 of the Revised Code. 74893

Upon determining that no alternative source of funding is 74894
available to pay for such expenses, the Director of Budget and 74895
Management may transfer cash from the General Revenue Fund into 74896
the fund for which the certification is made, up to the amount of 74897
the certification. The director of the agency receiving such funds 74898
shall include, as part of the next budget submission prepared 74899
under section 126.02 of the Revised Code, a request for funding 74900
for such activities from an alternative source such that further 74901
federal disallowances would not be required. 74902

The director of an agency may certify to the Director of Budget and Management the amount of expenses paid in error from a fund included in the Statewide Indirect Cost Allocation Plan. The Director of Budget and Management may transfer cash from the fund from which the expenditure should have been made into the fund from which the expenses were erroneously paid, up to the amount of the certification.

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The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

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Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS

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Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

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Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

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Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and

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re-establish all or part of encumbrances in like amounts within 74933
the funds identified by the plan. The amounts necessary to 74934
re-establish all or part of encumbrances are hereby appropriated. 74935

Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS 74936

Notwithstanding section 113.09 of the Revised Code, the 74937
Director of Budget and Management may designate any fund within 74938
the state treasury that receives federal revenue to be credited 74939
with investment earnings to comply with federal law. 74940

Section 509.10. TRANSFERS TO THE GENERAL REVENUE FUND OF 74941
INTEREST EARNED 74942

Notwithstanding any provision of law to the contrary, the 74943
Director of Budget and Management, through June 30, 2023, may 74944
transfer interest earned by any state fund to the General Revenue 74945
Fund. This section does not apply to funds whose source of revenue 74946
is restricted or protected by the Ohio Constitution, federal tax 74947
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 74948
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 74949

Section 509.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 74950
FROM NON-GRF FUNDS 74951

Notwithstanding any provision of law to the contrary, the 74952
Director of Budget and Management may transfer up to \$200,000,000 74953
cash, during the biennium ending June 30, 2023, from non-General 74954
Revenue Funds that are not constitutionally restricted to the 74955
General Revenue Fund. 74956

Section 509.50. MEDICAL MARIJUANA CONTROL PROGRAM REPAYMENTS 74957

On October 1, 2021, or as soon as possible thereafter, the 74958
Director of Commerce and the Executive Director of the Board of 74959
Pharmacy shall consult with the Director of Budget and Management 74960

to determine a repayment schedule for the biennium ending June 30, 74961
2023, to fully repay transfers on behalf of each agency from the 74962
Emergency Purposes/Contingency Fund (Fund 5KM0) to the Medical 74963
Marijuana Control Program Fund (Fund 5YS0). Payments made by the 74964
Department of Commerce and the Board of Pharmacy in accordance 74965
with this repayment schedule shall be credited to the General 74966
Revenue Fund. 74967

Section 512.10. GENERAL REVENUE FUND TRANSFER TO TOURISM OHIO 74968
FUND 74969

On July 1, 2021, or as soon as possible thereafter, the 74970
Director of Budget and Management may transfer up to \$20,000,000 74971
cash from the General Revenue Fund to the Tourism Ohio Fund (Fund 74972
5MJ0). 74973

Section 512.20. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 74974
TREATMENT AND PREVENTION FUND 74975

Notwithstanding any provision of law to the contrary, in each 74976
fiscal year of the biennium ending June 30, 2023, the Director of 74977
Budget and Management may transfer up to \$5,000,000 cash from the 74978
General Revenue Fund to the Statewide Treatment and Prevention 74979
Fund (Fund 4750). 74980

Section 512.30. GENERAL REVENUE FUND TRANSFER TO STATEWIDE 74981
COMMUNITY POLICE RELATIONS FUND 74982

Notwithstanding any provision of law to the contrary, in 74983
fiscal year 2023, the Director of Budget and Management may 74984
transfer up to \$1,150,000 cash from the General Revenue Fund to 74985
the Statewide Community Police Relations Fund (Fund 5RS0). 74986

Section 512.40. GENERAL REVENUE FUND TRANSFER TO TARGETED 74987
ADDICTION PROGRAM FUND 74988

Notwithstanding any provision of law to the contrary, in each 74989
fiscal year of the biennium ending June 30, 2023, the Director of 74990
Budget and Management may transfer up to \$24,000,000 cash from the 74991
General Revenue Fund to the Targeted Addiction Program Fund (Fund 74992
5TZ0). 74993

Section 512.70. GENERAL REVENUE FUND TRANSFER TO STUDENT 74994
WELLNESS AND SUCCESS FUND 74995

Notwithstanding any provision of law to the contrary, the 74996
Director of Budget and Management may transfer up to \$500,000,000 74997
cash in fiscal year 2022 and up to \$600,000,000 cash in fiscal 74998
year 2023 from the General Revenue Fund to the Student Wellness 74999
and Success Fund (Fund 5VS0), which is hereby created in the state 75000
treasury. 75001

Section 512.80. GENERAL REVENUE FUND TRANSFER TO AT HOME 75002
TECHNOLOGY PILOT FUND 75003

On July 1 of each fiscal year, the Director of Budget and 75004
Management shall transfer \$250,000 cash from the General Revenue 75005
Fund to the At Home Technology Pilot Fund (Fund 5XT0), which is 75006
hereby created in the state treasury. 75007

Section 512.90. GENERAL REVENUE FUND TRANSFER TO OHIO 75008
COMMISSION FOR THE U.S. SEMIQUICENTENNIAL FUND 75009

On July 1, 2021, or as soon as possible thereafter, the 75010
Director of Budget and Management shall transfer \$400,000 cash 75011
from the General Revenue Fund to the Ohio Commission for the U.S. 75012
Semiquincentennial Fund (Fund 5XV0), which is hereby created in 75013
the state treasury. 75014

Section 512.100. GENERAL REVENUE FUND TRANSFER TO MEAT 75015
PROCESSING INVESTMENT FUND 75016

On July 1, 2021, or as soon as possible thereafter, the 75017
Director of Budget and Management shall transfer \$10,000,000 cash 75018
from the General Revenue Fund to the Meat Processing Investment 75019
Program Fund (Fund 5XS0), which is hereby created in the state 75020
treasury. 75021

Section 513.10. FISCAL YEAR 2021 GENERAL REVENUE FUND ENDING 75022
BALANCE 75023

Notwithstanding section 131.44 of the Revised Code, the 75024
Director of Budget and Management shall determine the surplus 75025
General Revenue Fund revenue that existed on June 30, 2021. 75026
Notwithstanding any provision of law to the contrary, except for 75027
the transfers listed in this section, the surplus shall remain in 75028
the General Revenue Fund. The Director shall transfer cash, not to 75029
exceed the amount of the surplus revenue from the General Revenue 75030
Fund in the following order: 75031

(A) Up to \$1,200,000,000 cash to the Health and Human 75032
Services Fund (Fund 5SA4); 75033

(B) Up to \$190,000,000 cash to the Ohio Residential Broadband 75034
Expansion Grant Program Fund (Fund 5XU0); 75035

(C) Up to \$155,000,000 cash to the Investing in Ohio Fund 75036
(Fund 5XM0); 75037

(D) Up to \$132,000,000 cash to the H2Ohio Fund (Fund 6H20); 75038

(E) Up to \$25,000,000 cash to the Emergency Purposes Fund 75039
(Fund 5KM0); 75040

(F) Up to \$25,000,000 cash to the Disaster Services Fund 75041
(Fund 5E20); 75042

(G) Up to \$16,300,000 cash to the Tobacco Use Prevention Fund 75043
(Fund 5BX0); and 75044

(H) Up to \$16,000,000 cash to the Ohio Governor Imagination 75045

Library Fund (Fund 5VJ0). 75046

Section 513.20. FISCAL YEAR 2022 GENERAL REVENUE FUND ENDING 75047
BALANCE 75048

Notwithstanding section 131.44 of the Revised Code, the cash 75049
balance of the General Revenue Fund on June 30, 2022, shall remain 75050
in the General Revenue Fund. 75051

Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 75052

Unless the agency and nuclear electric utility mutually agree 75053
to a higher amount by contract, the maximum amounts that may be 75054
assessed against nuclear electric utilities under division (B)(2) 75055
of section 4937.05 of the Revised Code and deposited into the 75056
specified funds are as follows: 75057

<u>Fund</u>	<u>User</u>	<u>FY 2022</u>	<u>FY 2023</u>	
Utility	Department of	\$ 101,130	\$ 101,130	75058
Radiological	Agriculture			
Safety Fund				
(Fund 4E40)				
Radiation	Department of	\$ 1,300,000	\$ 1,300,000	75059
Emergency	Health			
Response Fund				
(Fund 6100)				
ER Radiological	Environmental	\$ 325,370	\$ 332,287	75060
Safety Fund	Protection Agency			
(Fund 6440)				
Emergency	Department of	\$ 1,368,624	\$ 1,378,304	75061
Response Plan	Public Safety			
Fund (Fund 6570)				

Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 75062

(A) On July 1, 2021, or as soon as possible thereafter, the 75063

Director of Budget and Management shall transfer the cash balance 75065
 from each of the funds as indicated in the table below to the fund 75066
 also indicated in the table below. Upon completion of each 75067
 transfer and on the effective date of its repeal by this act, 75068
 where applicable, the fund from which the cash balance was 75069
 transferred is hereby abolished. 75070

User	Transfer from:		Transfer to:		
Agency	Fund	Fund Name	Fund	Fund Name	
AGO	5L50	Law Enforcement Assistance Fund	4210	Peace Officer Training Academy Fee	75073
AGO	5MP0	Peace Officer Training Commission Fund	5LR0	Ohio Law Enforcement Training Fund	75074
DNR	2040	Information Services	1570	Central Support Indirect Chargeback	75075
DNR	2050	Human Resources Direct Services	1570	Central Support Indirect Chargeback	75076
DNR	2230	Law Enforcement Administration	1570	Central Support Indirect Chargeback	75077
DNR	6350	Fountain Square Management	1570	Central Support Indirect Chargeback	75078
DPS	3290	Disaster Services Plan and Grant Administration	3370	Disaster Relief Fund	75079
DPS	3N50	US DOE Grant	3370	Disaster Relief Fund	75080
EDU	3FD0	Race to the Top	GRF	GRF	75081
EDU	4550	Commodity Foods Fund	1380	Computer Services Fund	75082
MCD	5SC0	Medicaid Services - Physical UPL	5AN0	Care Innovation and Community Improvement Program	75083

(B) The following funds are hereby abolished on the effective 75084
 date of their repeal by this act: 75085

User	Fund	Fund Name	
DPS	3DU0	Public Safety Federal Grants	75087
DPS	3FK0	Justice Assistance Grant FFY11	75088
DPS	3FY0	Justice Assistance Grant FFY12	75089
DPS	3FZ0	Justice Assistance Grant FFY13	75090
DPS	3GA0	Justice Assistance Grant FFY15	75091

Section 518.10. (A) As used in Sections 518.10 to 518.16 of this act, "business certification programs" means the Minority Business Enterprise program, the Encouraging Diversity, Growth, and Equity program, the Women-owned Business Enterprise program, and the Veteran-friendly Business Procurement program.

(B) On July 1, 2021, the administration of the business certification programs shall be transferred from the Department of Administrative Services to the Department of Development.

(C) Business related to the business certification programs commenced but not completed by the Department of Administrative Services on July 1, 2021, shall be completed by the Department of Development, as appropriate, in the same manner, and with the same effect, as if completed by the Department of Administrative Services. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer required by this section but shall be administered by the Director of Development or the Department of Development, as appropriate.

(D) The rules, orders, and determinations of the Department of Administrative Services pertaining to the business certification programs continue in effect as rules, orders, and determinations of the Department of Development until modified or rescinded by that agency.

(E) No judicial or administrative action or proceeding pending on July 1, 2021, is affected by the transfer of functions

related to the business certification programs from the Director 75117
of Administrative Services or the Department of Administrative 75118
Services to the Director of Development or the Department of 75119
Development, and those actions related to the administration of 75120
these programs shall be prosecuted or defended in the name of the 75121
Director of Development or the Department of Development, as 75122
appropriate. On application to the court or other tribunal, the 75123
Director of Development or the Department of Development, 75124
whichever is appropriate, shall be substituted as a party in such 75125
actions and proceedings. 75126

(F) When the Equal Employment Coordinator, the Director of 75127
Administrative Services, or the Department of Administrative 75128
Services is referred to in any rule, contract, grant, or other 75129
document related to the administration of the business 75130
certification programs, the reference is deemed to refer to the 75131
Director or Department of Development, as appropriate. 75132

(G) The Director of Development, not later than September 1, 75133
2023, and with the cooperation of the Director of Administrative 75134
Services, shall submit a report to the General Assembly and to the 75135
Governor regarding the effects of transferring the business 75136
certification programs from the Department of Administrative 75137
Services to the Department of Development. The report shall 75138
include all of the following: 75139

(1) Data regarding the number of businesses certified as 75140
participants in each business certification program from the 75141
period beginning July 1, 2021, and ending on July 1, 2023, 75142
compared to the number certified in the two years before July 1, 75143
2021, by the Department of Administrative Services, if that data 75144
is available. 75145

(2) Data regarding the number of days required to complete 75146
the certification process for each applicant to each business 75147
certification program during the period beginning July 1, 2021, 75148

and ending on July 1, 2023, compared to the number of days 75149
required to complete the certification process for each applicant 75150
during the two years before July 1, 2021, by the Department of 75151
Administrative Services, if that data is available. 75152

(3) Information regarding the number of employees transferred 75153
and the number of employees laid off pursuant to Section 518.12 of 75154
this act. 75155

(4) The number of complaints received by the Department of 75156
Development from applicants to the business certification 75157
programs, regarding the application and certification process, 75158
during the period beginning July 1, 2021, and ending on July 1, 75159
2023, compared to the number received in the two years before July 75160
1, 2021, by the Department of Administrative Services, if that 75161
data is available. 75162

Section 518.11. Notwithstanding sections 4117.08 and 4117.10 75163
of the Revised Code, the transfer of the business certification 75164
programs from the Department of Administrative Services to the 75165
Department of Development and the reassignment of certain 75166
functions and duties of the Department of Administrative Services 75167
by this act are not appropriate subjects for collective bargaining 75168
under Chapter 4117. of the Revised Code. 75169

Section 518.12. (A) Subject to the layoff provisions of 75170
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 75171
those employees of the Department of Administrative Services who 75172
administer the business certification programs are transferred to 75173
the Department of Development. 75174

(B)(1) During the period beginning July 1, 2021, and ending 75175
June 30, 2022, the Director of Development may establish, change, 75176
and abolish positions of the Department of Development and assign, 75177
reassign, classify, reclassify, transfer, reduce, promote, or 75178

demote all employees of the Department who are not subject to 75179
Chapter 4117. of the Revised Code. 75180

(2) The authority granted under division (B)(1) of this 75181
section includes assigning or reassigning an exempt employee, as 75182
defined in section 124.152 of the Revised Code, to a bargaining 75183
unit classification if the Director determines that the bargaining 75184
unit classification is the proper classification for that 75185
employee. If an employee in the E-1 pay range is to be assigned, 75186
reassigned, classified, reclassified, transferred, reduced, or 75187
demoted to a position in a lower classification during the period 75188
specified in division (B)(1) of this section, the Director of 75189
Development, or in the case of transfer outside the Department of 75190
Development, the Director of Administrative Services, shall assign 75191
the employee to the appropriate classification and place the 75192
employee in Step X. The employee shall not receive any increase in 75193
compensation until the maximum rate of pay for that classification 75194
exceeds the employee's compensation. 75195

(3) Actions taken by the Director of Development pursuant to 75196
division (B)(1) of this section are not subject to appeal to the 75197
State Personnel Board of Review. 75198

Section 518.13. The Director of Development may enter into 75199
one or more contracts with private or government entities for 75200
staff training and development to facilitate the transfer of staff 75201
and duties related to the business certification programs from the 75202
Department of Administrative Services to the Department of 75203
Development. Division (B) of section 127.16 of the Revised Code 75204
does not apply to contracts entered into under this section. 75205

Section 518.14. Notwithstanding division (D) of section 75206
127.14 and section 131.35 of the Revised Code, except for the 75207
General Revenue Fund, the Controlling Board may, upon the request 75208

of the Director of Development, increase appropriations for any 75209
fund, as necessary, to assist in paying either or both of the 75210
following as a result of the transfer described in Sections 518.10 75211
to 518.13 of this act: (1) The costs of increases in employee 75212
compensation that occur on or after July 1, 2021, pursuant to 75213
collective bargaining agreements under Chapter 4117. of the 75214
Revised Code; (2) The costs of salary increases on or after July 75215
1, 2021, for employees who are exempt from collective bargaining 75216
that are provided under law. Such amounts are hereby appropriated. 75217

Section 518.15. (A) Notwithstanding any provision of the law 75218
to the contrary, on or after the effective date of this section, 75219
the Director of Budget and Management shall make budget and 75220
accounting changes made necessary by the transfer described in 75221
Section 518.10 of this act, including administrative organization, 75222
program transfers, the renaming of funds, the creating of new 75223
funds, the transfer of state funds and the consolidation of funds 75224
as authorized by Section 518.10 of this act. The Director may, if 75225
necessary, cancel or establish encumbrances or parts of 75226
encumbrances in fiscal years 2021 and 2022 in the appropriate fund 75227
and appropriation items for the same purpose and for payment to 75228
the same vendor. The established encumbrances are hereby 75229
appropriated. 75230

(B) All records, documents, files, equipment, assets, and 75231
other materials of the business certification programs are 75232
transferred from the Department of Administrative Services to the 75233
Department of Development. 75234

Section 518.16. (A) On and after July 1, 2021, the Director 75235
of the Legislative Service Commission shall renumber the rules of 75236
the Department of Administrative Services set forth in Chapter 75237
123:2-14 of the Ohio Administrative Code and Section 123:5-1-16 of 75238

the Ohio Administrative Code to reflect their transfer to the 75239
Department of Development. 75240

(B) Notwithstanding section 121.95 of the Revised Code, any 75241
new rules or amendments to the rules implementing sections 75242
122.921, 122.922, 121.924, or 122.925 of the Revised Code that are 75243
proposed before June 30, 2023, are not subject to division (F) of 75244
section 121.95 of the Revised Code. 75245

Section 518.20. On the effective date of this section, the 75246
Development Services Agency is renamed the Department of 75247
Development and the Director of Development Services is 75248
redesignated the Director of Development. 75249

All of the Development Services Agency's rules, orders, and 75250
determinations continue in effect as rules, orders, and 75251
determinations of the Department of Development until modified or 75252
rescinded by the Department. All employees of the Development 75253
Services Agency continue with the Department of Development and 75254
retain their positions and all benefits accruing thereto. Except 75255
as otherwise noted in law, whenever the Development Services 75256
Agency or the Director of Development Services is referred to in a 75257
statute, rule, contract, or other instrument, the reference is 75258
deemed to refer to the Department of Development or to the 75259
Director of Development, whichever is appropriate in context. No 75260
pending action or proceeding being prosecuted or defended in court 75261
or before an agency by the Development Services Agency or by the 75262
Director of Development Services is affected by the renaming and 75263
shall be prosecuted or defended in the name of the Department of 75264
Development or the Director of Development, whichever is 75265
appropriate. Upon application to the court or agency, the 75266
Department of Development or the Director of Development shall be 75267
substituted. 75268

Section 518.30. (A) On December 30, 2021, the Southern Ohio Agricultural Community Development Foundation is hereby abolished. The Department of Agriculture is successor to and assumes any remaining obligations and authority of the Foundation. Any business commenced, but not completed by the Foundation, shall be completed by the Department in the same manner and with the same effect as if completed by the Foundation. Any validation, right, cure, privilege, remedy, obligation, or liability is not lost or impaired solely by this abolishment and shall be administered by the Department. Any action or proceeding pending on the effective date of this section is not affected by the abolishment of the Foundation and shall be defended in the name of the Department. In all such actions and proceedings, the Department may be substituted as a party upon application to the court or other tribunal.

(B) Notwithstanding any provision of law to the contrary, the Department of Agriculture shall designate the positions and employees of the Foundation, if any, to be transferred to the Department. Any employee transferred to the Department retains the employee's respective classification. However, the Department may reassign and reclassify the employee's position and compensation as the Department determines to be in the best interest of the Department. The Department shall assist with and provide payment for the filing fees of any required financial disclosure statements of members of the board of trustees or employees of the Foundation for calendar year 2021.

(C) Notwithstanding section 145.297 of the Revised Code, the Department may, at the Department's discretion and with the approval of the Office of Budget and Management, establish a retirement incentive plan for eligible employees of the Foundation who are members of the Public Employee Retirement System. Any retirement incentive plan established pursuant to this section

shall remain in effect until December 29, 2021. 75301

(D) On or before December 30, 2021, all equipment, assets, 75302
supplies, records, and other property of the Foundation are 75303
transferred to the Department of Agriculture or shall be disposed 75304
of in a lawful manner. 75305

(E) On December 30, 2021, all rules of the Foundation are 75306
hereby rescinded. 75307

(F) On December 30, 2021, or as soon as possible thereafter, 75308
the Director of Budget and Management shall transfer the cash 75309
balance in the Southern Ohio Agricultural and Community 75310
Development Operating Expenses Fund (Fund 5M90) to the Ohio Proud 75311
Marketing Fund (Fund 4R00). Upon completion of the transfer, the 75312
Southern Ohio Agricultural and Community Development Operating 75313
Expenses Fund (Fund 5M90) is hereby abolished. The Director of 75314
Budget and Management shall cancel any existing encumbrances 75315
against appropriation item 945601, Operating Expenses, and 75316
re-establish them against 700636, Ohio Proud Marketing. The 75317
re-established amounts are hereby appropriated. 75318

On December 30, 2021, or as soon as possible thereafter, the 75319
Treasurer of State shall remit the cash balance of the Southern 75320
Ohio Agricultural and Community Development Foundation Endowment 75321
Fund to the Ohio Proud Marketing Fund (Fund 4R00). Upon completion 75322
of this remittance, the Southern Ohio Agricultural and Community 75323
Development Foundation Endowment Fund is hereby abolished. 75324

No cash transferred or remitted under this division shall be 75325
used to hire an executive agency lobbyist as defined under section 75326
121.60 of the Revised Code, or a legislative agent, as defined 75327
under section 101.70 of the Revised Code. 75328

(G) Notwithstanding any provision of law to the contrary, the 75329
Department of Agriculture shall, in consultation with the 75330
Department of Administrative Services and the Office of Budget and 75331

Management, attend to any matters associated with winding up the 75332
affairs of the Southern Ohio Agricultural and Community 75333
Development Foundation including but not limited to coordination 75334
of a final audit of the Foundation. If it is determined by the 75335
Director of Agriculture that additional appropriation is necessary 75336
in appropriation item 945601, Operating Expenses, or after 75337
December 30, 2021, in appropriation item 700636, Ohio Proud 75338
Marketing, to wind up the affairs of the Foundation including to 75339
pay for any final audit or other expenditures of the Foundation, 75340
the Director of Agriculture shall certify the amount of additional 75341
appropriation needed to the Director of Budget and Management. 75342
Upon the approval of the Director of Budget and Management, 75343
amounts up to those certified by the Director of Agriculture are 75344
hereby appropriated for that purpose. 75345

(H) Notwithstanding any provision of law to the contrary, on 75346
or after the effective date of this section, the Director of 75347
Budget and Management may make accounting and budgeting changes 75348
necessary to effectuate this section. The Director may, if 75349
necessary, cancel or establish encumbrances or parts of 75350
encumbrances in fiscal years 2022 and 2023 in the appropriate fund 75351
and appropriation item for the same purpose and for payment to the 75352
same vendor. 75353

Section 518.40. (A)(1) Subject to the layoff provisions of 75354
sections 124.321 to 124.328 of the Revised Code, on July 1, 2021, 75355
or as soon thereafter as can be effectuated, any employees of the 75356
Department of Health identified necessary to the operation of a 75357
central warehouse are transferred to the Department of 75358
Administrative Services. The employees shall retain their 75359
positions and benefits. 75360

(2) The Director of Administrative Services may establish, 75361
change, and abolish positions of the Department of Health and 75362

assign, reassign, classify, reclassify, transfer, reduce, promote, 75363
or demote all employees of the Department of Health who are not 75364
subject to Chapter 4117. of the Revised Code. 75365

(3) The authority granted under division (A)(2) of this 75366
section includes assigning or reassigning an exempt employee, as 75367
defined in section 124.152 of the Revised Code, to a bargaining 75368
unit classification if the Director of Administrative Services 75369
determines that the bargaining unit classification is the proper 75370
classification for that employee. If an employee in the E-1 pay 75371
range is to be assigned, reassigned, classified, reclassified, 75372
transferred, reduced, or demoted to a position in a lower 75373
classification during the period specified in division (A)(1) of 75374
this section, the Director of Administrative Services shall assign 75375
the employee to the appropriate classification and place the 75376
employee in Step X. The employee shall not receive any increase in 75377
compensation until the maximum rate of pay for that classification 75378
exceeds the employee's compensation. 75379

(4) Actions taken by the Director of Health or the Director 75380
of Administrative Services under this section are not subject to 75381
appeal to the State Personnel Board of Review. 75382

(5) On or after July 1, 2021, notwithstanding any provision 75383
of law to the contrary, the Director of Budget and Management may 75384
make budget changes made necessary by this section, including 75385
canceling encumbrances of the Department of Health and 75386
reestablishing them as encumbrances of the Department of 75387
Administrative Services. Any reestablished encumbrances are hereby 75388
appropriated. 75389

Section 610.04. That Section 5 of H.B. 123 of the 133rd 75390
General Assembly be amended to read as follows: 75391

Sec. 5. (A) As used in this section: 75392

(1) "Eligible internet- or computer-based community school" 75393
means the following: 75394

(a) For fiscal year 2021, an internet- or computer-based 75395
community school that was designated for the 2019-2020 school year 75396
as an internet- or computer-based community school in which a 75397
majority of the students were enrolled in a dropout prevention and 75398
recovery program and satisfies both of the following conditions: 75399

~~(a)(i)~~ The school does not have a for-profit operator; 75400

~~(b)(ii)~~ The school received a rating of "exceeds standards" 75401
on the combined graduation component of the most recent report 75402
card issued for the school under section 3314.017 of the Revised 75403
Code. 75404

(b) For fiscal years 2022 and 2023, an internet- or 75405
computer-based community school that participated in the program 75406
for fiscal year 2021. 75407

(2) "Formula amount" shall equal the amount specified in 75408
division (F)(1) of the section of H.B. 166 of the 133rd General 75409
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 75410
2021." 75411

(3) "Internet- or computer-based community school" has the 75412
same meaning as in section 3314.02 of the Revised Code. 75413

(B) The Department of Education shall establish a pilot 75414
program to provide additional funding for students enrolled in 75415
grades eight through twelve in eligible internet- or 75416
computer-based community schools for fiscal ~~year~~ years 2021, 2022, 75417
and 2023. An eligible internet- or computer-based community school 75418
may choose to participate in the program by notifying the 75419
Department of Education not later than ten days after ~~the~~ 75420
~~effective date of this section~~ December 21, 2020. 75421

(C) For fiscal ~~year~~ years 2021, 2022, and 2023, the 75422

Department of Education shall require each eligible internet- or 75423
computer-based community school that chooses to participate in the 75424
pilot program to report all information that is necessary to make 75425
payments under division (D) of this section. 75426

(D) For fiscal ~~year~~ years 2021, 2022, and 2023, the 75427
Department shall calculate an additional payment for each eligible 75428
internet- or computer-based community school that chooses to 75429
participate in the pilot program, as follows: 75430

(1) Compute the lesser of the following for each student 75431
enrolled in grades eight through twelve: 75432

(a) The formula amount X the maximum full-time equivalency 75433
for the portion of the school year for which the student is 75434
enrolled in the school; 75435

(b) The sum of the following: 75436

(i) A one-time payment of \$1,750. In the case of a student 75437
enrolled in the school for the first time for the 2020-2021, 75438
2021-2022, or 2022-2023 school year, payment shall be made under 75439
division (D)(1)(b)(i) of this section at least thirty days after 75440
the student is considered to be enrolled in the school in 75441
accordance with division (H)(2) of section 3314.08 of the Revised 75442
Code, provided the student has been continuously enrolled in the 75443
school during that time, as determined by the Department. In the 75444
case of a student that was enrolled in the school for the 75445
2019-2020, 2020-2021, or 2021-2022 school year, payment shall be 75446
made under division (D)(1)(b)(i) of this section at least thirty 75447
days after the student has started to participate in learning 75448
opportunities for the 2020-2021, 2021-2022, or 2022-2023 school 75449
year, provided the student has been continuously enrolled in the 75450
school during that time, as determined by the Department. 75451

(ii) The formula amount X (1/920) X the lesser of the number 75452
of hours the student participates in learning opportunities in 75453

that fiscal year or 920; 75454

(iii) The lesser of (\$500 X either the number of courses 75455
completed by the student in that fiscal year, in the case of a 75456
student enrolled in grade eight, or the number of credits earned 75457
by the student in that fiscal year, in the case of a student 75458
enrolled in grades nine through twelve) or \$2,500. 75459

(2) Compute the sum of the amounts calculated under division 75460
(D)(1) of this section for all students enrolled in grades eight 75461
through twelve. 75462

(3) Compute the school's payment in accordance with the 75463
following formula: 75464

The amount determined under division (D)(2) of this section) 75465
- (the total amount paid to the school for the fiscal year ~~2021~~ 75466
for which the payment is calculated under this section under 75467
division (C)(1)(a) of section 3314.08 of the Revised Code for 75468
students enrolled in grades eight through twelve) 75469

If the amount computed under division (D)(3) is a negative 75470
number, the school shall not receive a payment under this section. 75471

(E)(1) The Department shall complete a review of the 75472
enrollment of each eligible internet- or computer-based community 75473
school that chooses to participate in the pilot program in 75474
accordance with division (K) of section 3314.08 of the Revised 75475
Code. If the Department determines a school has been overpaid 75476
based on a review completed under division (E)(1) of this section, 75477
the Department shall require a repayment of the overpaid funds and 75478
may require the school to establish a plan to improve the 75479
reporting of enrollment. 75480

(2) The Department may require each eligible internet- or 75481
computer-based community school that chooses to participate in the 75482
pilot program to create a debt reduction plan approved by the 75483
school's sponsor, if determined appropriate by the Department. 75484

(3) To the extent that an eligible internet- or 75485
computer-based community school that chooses to participate in the 75486
pilot program had, for the 2019-2020, 2020-2021, or 2021-2022 75487
school year, a percentage of student engagement in learning 75488
opportunities that was less than sixty-five per cent, the school 75489
shall provide to the Department a meaningful plan for increasing 75490
student engagement. 75491

(4) All eligible internet- or computer-based community 75492
schools that choose to participate in the pilot program shall 75493
implement programming or protocol which documents enrollment and 75494
participation in learning opportunities in order to participate in 75495
the program. 75496

(F) Upon completion of the pilot program, and not later than 75497
December 31, ~~2021~~ 2023, the Department shall issue a report on the 75498
program. For purposes of this report, the Department may request 75499
each eligible internet- or computer-based community school that 75500
chooses to participate in the pilot program to submit information 75501
to the Department on any of the following: 75502

(1) The time, resources, and cost associated with enrolling 75503
students in the school and preparing students to engage in 75504
learning opportunities; 75505

(2) The time and cost associated with providing counseling 75506
and other supports to students; 75507

(3) Student enrollment and participation data; 75508

(4) Individualized student plans; 75509

(5) An assessment of strategies used to improve student 75510
engagement and the percentage of participation in learning 75511
opportunities 75512

(6) Any other data the Department considers relevant. 75513

The Department shall submit copies of the report in 75514

accordance with section 101.68 of the Revised Code to the 75515
Governor, the President and Minority Leader of the Senate, the 75516
Speaker and Minority Leader of the House of Representatives, and 75517
the chairpersons and ranking members of the standing committees on 75518
primary and secondary education of the Senate and the House of 75519
Representatives. 75520

Section 610.05. That existing Section 5 of H.B. 123 of the 75521
133rd General Assembly is hereby repealed. 75522

Section 610.10. That Section 733.61 of H.B. 166 of the 133rd 75523
General Assembly be amended to read as follows: 75524

Sec. 733.61. (A) Notwithstanding section 3319.236 of the 75525
Revised Code, for the 2019-2020 ~~and 2020-2021~~ school year through 75526
the 2022-2023 school ~~years~~ year only, a school district, community 75527
school established under Chapter 3314. of the Revised Code, or 75528
science, technology, engineering, and mathematics school 75529
established under Chapter 3326. of the Revised Code may permit an 75530
individual who holds a valid educator license in any of grades 75531
seven through twelve to teach a computer science course if, prior 75532
to teaching the course, the individual completes a professional 75533
development program approved by the district superintendent or 75534
school principal that provides content knowledge specific to the 75535
course the individual will teach. The superintendent or principal 75536
shall approve any professional development program endorsed by the 75537
organization that creates and administers the national Advanced 75538
Placement examinations as appropriate for the course the 75539
individual will teach. 75540

(B) Nothing in this section shall permit an individual 75541
described in division (A) of this section to teach a computer 75542
science course in a school district or school other than the 75543
school district or school that employed the individual at the time 75544

the individual completed the professional development program 75545
required by that division. 75546

(C) Beginning July 1, ~~2021~~ 2023, a school district or public 75547
school shall permit an individual to teach a computer science 75548
course only in accordance with section 3319.236 of the Revised 75549
Code. 75550

(D) Notwithstanding section 3301.012 of the Revised Code, as 75551
used in this section, "computer science course" means any course 75552
that is reported in the education management information system 75553
established under section 3301.0714 of the Revised Code as a 75554
computer science course. 75555

Section 610.11. That existing Section 733.61 of H.B. 166 of 75556
the 133rd General Assembly is hereby repealed. 75557

Section 610.12. That Sections 4, 5, 6, and 7 of S.B. 310 of 75558
the 133rd General Assembly be amended to read as follows: 75559

Sec. 4. (A)(1) The Department of Education shall conduct a 75560
study that does ~~both~~ all of the following: 75561

(a) Reviews the criteria used in the current school funding 75562
formula to define "economically disadvantaged students" in order 75563
to determine the effectiveness of the criteria; 75564

(b) Researches how other states define "economically 75565
disadvantaged students" and how "economically disadvantaged 75566
students" are addressed in other states' school funding formulas;i 75567

(c) Evaluates and determines the essential types and amounts 75568
of resources needed to provide economically disadvantaged students 75569
the emotional, social, and academic services necessary to ensure 75570
for success; 75571

(d) Evaluates and revises the current definition of 75572

"economically disadvantaged student." 75573

The Department shall submit a report of its findings to the 75574
individuals prescribed in division (B) of this section not later 75575
than December 31, 2022. 75576

(2) The Department of Education, in consultation with the 75577
Department of Job and Family Services and stakeholder groups 75578
determined appropriate by the Department, shall prepare a report 75579
including ~~both~~ all of the following: 75580

(a) A review of early child initiatives in Ohio, including 75581
preschool, Head Start, and other early learning opportunities for 75582
young children; 75583

(b) Information regarding how other states support early 75584
learning opportunities for young children; 75585

(c) The cost effectiveness of continuing the existing 75586
multiple provider system; 75587

(d) Ways in which the existing system may be better 75588
coordinated and cost efficient; 75589

(e) Alternative ways in which the state can supply high 75590
quality preschool, especially for economically disadvantaged 75591
students. 75592

The Department of Education shall submit the report to the 75593
individuals prescribed in division (B) of this section not later 75594
than December 31, 2022. 75595

(B) The reports prepared under division (A) of this section 75596
shall be submitted to all of the following: 75597

(1) The President and Minority Leader of the Senate; 75598

(2) The Speaker and Minority Leader of the House of 75599
Representatives; 75600

(3) The members of the standing committees of the House of 75601

Representatives and the Senate that consider legislation regarding 75602
primary and secondary education; 75603

(4) The school funding oversight commission created in 75604
section 3317.60 of the Revised Code. 75605

Sec. 5. (A)(1)(a) The Office of Budget and Management shall, 75606
in consultation with the Department of Education, create an 75607
inventory of all state budget line items that, in the Office's 75608
determination, provide funding services to children that includes 75609
all of the following information: 75610

(i) The fiscal year 2019 funding for each line item; 75611

(ii) A brief description of services provided by each line 75612
item; 75613

(iii) Estimates of funding and program descriptions of all 75614
line items that are also used to fund other types of programs, 75615
including a description explaining how those different programs 75616
interact and for whom they are provided; 75617

(iv) A preliminary analysis of policy implications regarding 75618
the potential creation and funding of "wrap-around services," as 75619
defined by the Office, including health clinics provided in 75620
educational settings. 75621

(b) The data shall be disaggregated into three categories 75622
based on students' age ranges as follows: 75623

(i) Students receiving special education services for a 75624
disability specified in divisions (A) to (F) of section 3317.013 75625
of the Revised Code between zero and twenty-one years of age; 75626

(ii) Students not described by division (A)(1)(b)(i) of this 75627
section between zero and four years of age; and 75628

(iii) Students not described in division (A)(1)(b)(i) of this 75629
section between five and eighteen years of age. 75630

Additionally, the data shall be disaggregated into service 75631
categories that may be provided by multiple agencies, funds, and 75632
line items, such as children's mental health, children's physical 75633
health, child nutrition, early childhood education, primary and 75634
secondary education, special education, juvenile detention 75635
services, and any other categories that receive significant state 75636
and federal funding. 75637

(c) The Office shall submit the inventory to the individuals 75638
prescribed in division (B) of this section not later than December 75639
31, 2022. 75640

(2) The Department of Education shall conduct an evaluation 75641
of all of the following topics regarding special education: 75642

(a) The categories of special education students specified 75643
under section 3317.013 of the Revised Code and the funding amounts 75644
corresponding to those categories; 75645

(b) Best practices for providing education to special 75646
education students; 75647

(c) Protocols for providing treatment to special education 75648
students; 75649

(d) Technology to enhance the provision of special education; 75650

(e) Costs of providing special education; 75651

(f) Transportation of special education students. 75652

The Department shall submit a report of its findings and 75653
recommendations to the individuals prescribed in division (B) of 75654
this section not later than December 31, 2022. 75655

(3) The Department of Education shall, in collaboration with 75656
the Auditor of State and a workgroup established by the Department 75657
that consists of educators, auditors, and employees of the 75658
Department, review the funding reporting protocols and 75659
requirements for gifted services with the intention of 75660

recommending improvements regarding accountability for the 75661
spending of gifted funds paid to city, local, and exempted village 75662
school districts under section 3317.022 of the Revised Code. The 75663
Department shall submit a report of its findings and 75664
recommendations to the individuals prescribed in division (B) of 75665
this section not later than December 31, 2022. 75666

(4) The Department of Education shall develop recommendations 75667
for an incentive program for school districts in rural areas of 75668
the state ~~that~~ and in those areas of the state where minority and 75669
economically disadvantaged students are underrepresented in gifted 75670
identification, service, and performance to identify and provide 75671
services to students identified as gifted under division (A), (B), 75672
(C), or (D) of section 3324.03 of the Revised Code and submit a 75673
report of its findings, including recommendations for funding and 75674
staffing needs, professional development, parental education, and 75675
use of community resources, to the individuals prescribed in 75676
division (B) of this section not later than December 31, 2022. 75677

(5) The Department of Education shall, in collaboration with 75678
the Auditor of State and the Ohio Educational Service Center 75679
Association, conduct an evaluation of educational service centers, 75680
including all of the following: 75681

(a) Services provided; 75682

(b) Cost of existing services; 75683

(c) The ability to generate revenue for providing 75684
nonmandatory services and offset fixed costs with that revenue; 75685

(d) The average operating cost per pupil; 75686

(e) The effectiveness and efficiency of all educational 75687
service centers. 75688

The Department shall submit a report of its findings and a 75689
recommendation for a funding formula for educational service 75690

centers to the individuals prescribed in division (B) of this 75691
section not later than December 31, 2022. 75692

(6) The Department of Education shall evaluate the current 75693
funding amounts and required services for all categories of 75694
English learners described in section 3317.016 of the Revised 75695
Code. The Department shall submit a report of its findings to the 75696
individuals prescribed in division (B) of this section not later 75697
than December 31, 2022. 75698

(7) The Department of Education shall conduct a study of the 75699
cost to educate students enrolled in internet- or computer-based 75700
community schools and shall consult with these schools while 75701
conducting this study. The Department shall submit a result of its 75702
findings to the individuals prescribed in division (B) of this 75703
section not later than December 31, 2022. 75704

(B) Reports prepared under divisions (A)(1), (2), (3), (4), 75705
(5), (6), and (7) of this section shall be submitted to all of the 75706
following: 75707

(1) The chairperson, vice chair, and ranking minority member 75708
of the finance committees of the House of Representatives and the 75709
Senate; 75710

(2) The chairperson, vice chair, and ranking minority member 75711
of the finance subcommittees regarding primary and secondary 75712
education of the House of Representatives and the Senate; 75713

(3) The chairperson, vice chair, and ranking minority member 75714
of the standing committees of the House of Representatives and the 75715
Senate that consider legislation regarding primary and secondary 75716
education; 75717

(4) The Superintendent of Public Instruction; 75718

(5) The President of the State Board of Education; 75719

(6) The school funding oversight commission created in 75720

section 3317.60 of the Revised Code. 75721

(C) It is the intent of the General Assembly that the 75722
recommendations developed under division (A)(5) of this section be 75723
the basis of legislation enacted by the General Assembly in order 75724
to take effect for fiscal year 2023 and that the recommendations 75725
developed under divisions (A)(2), (3), (4), (6), and (7) of this 75726
section be the basis of legislation enacted by the General 75727
Assembly in order to take effect for fiscal year 2024. 75728

Sec. 6. (A) The Department of Education, in consultation with 75729
community school governing authorities and other appropriate 75730
stakeholders, shall evaluate the cost of operating community 75731
schools on a per-pupil or other reasonable basis as a replacement 75732
for the discontinuance of a fixed per-pupil formula amount. 75733

(B) Not later than December 31, 2022, the Department shall 75734
submit its findings to all of the following: 75735

(1) The chairperson, vice chair, and ranking minority member 75736
of the finance committees of the House of Representatives and the 75737
Senate; 75738

(2) The chairperson, vice chair, and ranking minority member 75739
of the finance subcommittees regarding primary and secondary 75740
education of the House of Representatives and the Senate; 75741

(3) The chairperson, vice chair, and ranking minority member 75742
of the standing committees of the House of Representatives and the 75743
Senate that consider legislation regarding primary and secondary 75744
education; 75745

(4) The Superintendent of Public Instruction; 75746

(5) The President of the State Board of Education; 75747

(6) The school funding oversight commission created in 75748
section 3317.60 of the Revised Code. 75749

Sec. 7. (A) A joint legislative task force to examine transportation of community school and nonpublic school students is hereby established and shall consist of six members, three of whom shall be appointed by the Speaker of the House of Representatives and three of whom shall be appointed by the President of the Senate. The Speaker of the House of Representatives and President of the Senate shall appoint a chairperson and vice-chairperson or co-chairpersons for the task force.

(B) The task force, in consultation with the Superintendent of Public Instruction, the Auditor of State, and other stakeholders, shall study the transportation of such students and determine methods to create greater efficiency and minimize costs in transporting such students. The task force shall report its findings and a recommendation for a funding formula for the transportation of such students to the Speaker of the House of Representatives ~~and~~, the President of the Senate, and the school funding oversight commission created in section 3317.60 of the Revised Code not later than December 31, 2022.

Section 610.13. That existing Sections 4, 5, 6, and 7 of S.B. 310 of the 133rd General Assembly are hereby repealed.

Section 610.14. That Sections 223.10, 223.15, 223.50, and 227.10 of S.B. 310 of the 133rd General Assembly be amended to read as follows:

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES
Administrative Building Fund (Fund 7026)
C725D5 Fountain Square Building and \$4,000,000
 Telephone Improvement
C725E0 DNR Fairgrounds Area Upgrades \$1,000,000

C725N7	District Office Renovations	\$ 4,890,000	75778
TOTAL Administrative Building Fund		\$ 9,890,000	75779
Ohio Parks and Natural Resources Fund (Fund 7031)			75780
C72549	Facilities Development	\$ 14,370,000	75781
C725E1	Local Parks Projects Statewide	\$ 4,875,750	75782
C725E5	Project Planning	\$ 1,733,000	75783
C725N8	Forestry Equipment	\$ 1,400,000	75784
C725T3	Healthy Lake Erie Initiative	\$ 2,000,000	75785
TOTAL Ohio Parks and Natural Resources Fund		\$ 24,378,750	75786
Parks and Recreation Improvement Fund (Fund 7035)			75787
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 81,007,500	75788
C725B2	Parks Equipment	\$ 5,456,250	75789
C725C4	Muskingum River Lock and Dam	\$ 13,415,000	75790
C725E2	Local Parks, Recreation, and Conservation Projects	\$ 64,453,745 <u>67,229,745</u>	75791
C725E6	Project Planning	\$ 8,705,400	75792
C725L8	Statewide Trails Program	\$ 3,200,000	75793
C725N6	Wastewater/Water Systems Upgrades	\$ 18,440,000	75794
C725R3	State Parks Renovations/Upgrades	\$ 18,614,784	75795
C725R4	Dam Rehabilitation - Parks	\$ 42,585,000	75796
C725U7	Eagle Creek Watershed Flood Mitigation	\$ 15,000,000	75797
C725U8	Erosion Emergency Assistance	\$ 5,000,000	75798
TOTAL Parks and Recreation Improvement Fund		\$ 275,877,679 <u>278,653,679</u>	75799
Clean Ohio Trail Fund (Fund 7061)			75800
C72514	Clean Ohio Trail Fund	\$ 12,500,000	75801
TOTAL Clean Ohio Trail Fund		\$ 12,500,000	75802
TOTAL ALL FUNDS		\$ 322,646,429	75803

325,422,429

FEDERAL REIMBURSEMENT 75804

All reimbursements received from the federal government for 75805
any expenditures made pursuant to this section shall be deposited 75806
in the state treasury to the credit of the fund from which the 75807
expenditure originated. 75808

Sec. 223.15. The foregoing appropriation item C725E2, Local 75809
Parks, Recreation, and Conservation Projects, shall be used to 75810
support the projects listed in this section. An amount equal to 75811
two per cent of the projects listed may be used by the Department 75812
of Natural Resources for the administration of local projects. 75813

Project List 75814

<u>Bailey's Bike Trail</u>	<u>\$ 2,000,000</u>	75815
Smale Riverfront Par	\$ 1,700,000	75816
Cincinnati Court Street Plaza	\$ 1,500,000	75817
Galloway Sports Complex One Field Project	\$ 1,500,000	75818
More Home to Roam	\$ 1,500,000	75819
Columbus Zoo Conservation Education Renovations	\$ 1,000,000	75820
Holmes County Park District Trail	\$ 1,000,000	75821
Loveland Parking Facility	\$ 900,000	75822
Conneaut Marina Improvement	\$ 850,000	75823
The Foundry	\$ 850,000	75824
Cleveland MetroParks Zoo	\$ 800,000	75825
Euclid Waterfront Improvement Plan Phase II	\$ 800,000	75826
Stubbs Park Improvements	\$ 800,000	75827
Toledo Zoo Entry Complex and Tiger and Bear Exhibit	\$ 800,000	75828
Auglaize Mercer Recreational Complex	\$ 750,000	75829
Chippewa Lake Park Project	\$ 750,000	75830
Hamilton Beltline Trail	\$ 750,000	75831
Hudson Greenway Trail	\$ 750,000	75832
Montgomery Quarter - Keystone Park	\$ 750,000	75833

Sandusky Bay Pathway/Landing Park	\$	750,000	75834
<u>Scranton Trail Project</u>	<u>\$</u>	<u>750,000</u>	75835
Makino Park Inclusive Fields	\$	675,000	75836
Harbin Park Pavilion	\$	550,000	75837
Akron Zoo	\$	500,000	75838
Alum Creek and Olentangy Trail Connector	\$	500,000	75839
Flats East Bank Phase 3	\$	500,000	75840
Forest Lawn Flood Plain Restoration and Wildlife Trail	\$	500,000	75841
Great Miami River Recreation Bike Trail	\$	500,000	75842
Healey Creek Flood Mitigation	\$	500,000	75843
Jim Simmons Trail Reservoir Trail	\$	500,000	75844
Kurt Tunnell Memorial Trail	\$	500,000	75845
Massillon Reservoir Park Splash Pad	\$	500,000	75846
Medina Weymouth Community Center	\$	500,000	75847
Megaland Replacement Project	\$	500,000	75848
North Canton Performing Arts Park	\$	500,000	75849
North Ridgeville Millcreek Conservation and Flood Control Round 3	\$	500,000	75850
Oak Harbor Waterfront	\$	500,000	75851
Scioto River Bridge and Trail	\$	500,000	75852
Springbrook Gardens Park Recreational Facility	\$	500,000	75853
Jackson Township Tam O'Shanter Park	\$	500,000	75854
The Wilds Overlook Cafe'	\$	500,000	75855
The Wilds RV Park	\$	500,000	75856
Westlake Clague Park Playground Renovation	\$	487,155	75857
Chagrin River and Lake Erie Boat Access	\$	475,000	75858
Pymatuning Valley Greenway Project	\$	450,000	75859
Sunbury Ohio to Erie trail Design and Construction	\$	450,000	75860
Ripley Freedom Landing Boat Dock	\$	425,000	75861
Wadsworth Memorial Park Improvements	\$	420,000	75862
Education Center at Wild Hearts African Farm	\$	400,000	75863
Fairport Harbor Docks and Marina Project	\$	400,000	75864
Forest Run Metro Park Timberman Project	\$	400,000	75865

Geneva Memorial Field Improvements	\$ 400,000	75866
Memorable Morrow	\$ 400,000	75867
Thaddeus Kosciuszko Park	\$ 400,000	75868
Worthington McCord Park Renovations	\$ 400,000	75869
Adams County Welcome Center	\$ 350,000	75870
Crestline Pool and Park	\$ 350,000	75871
Gateway Regional Sports Complex	\$ 350,000	75872
Orrville Park Gateway Project	\$ 350,000	75873
Shelby Black Fork Commons Plaza	\$ 350,000	75874
Sidney Canal Feeder Trail	\$ 350,000	75875
Wright Patterson AFB Main Gate Park Land Acquisition	\$ 350,000	75876
Lane Avenue Shared Use Path Project	\$ 338,000	75877
Sheffield Village French Creek Project	\$ 325,000	75878
Ashland Freer Field Improvements	\$ 300,000	75879
Flying Squirrel Preserve Morrow County Parks Expansion	\$ 300,000	75880
Hayden Run Trail Extension	\$ 300,000	75881
Lafayette Township Park Improvements	\$ 300,000	75882
Little Miami River Access at Bass Island	\$ 300,000	75883
Magic Mile Trail	\$ 300,000	75884
Marshallville Preserve	\$ 300,000	75885
Portage Lakes Drive Community Park	\$ 300,000	75886
Rossford Marina and Veterans Memorial Park Safety Renovations	\$ 300,000	75887
Alliance Park System Improvements	\$ 250,000	75888
Canal Fulton Park Phase 2	\$ 250,000	75889
Cave Lake Center for Community Leadership	\$ 250,000	75890
Clay Township Park Pavilion & Playground Improvements	\$ 250,000	75891
Conneaut Township Park Project	\$ 250,000	75892
Cooper Lodge, Camp Lakota	\$ 250,000	75893
Diamond Park	\$ 250,000	75894
E. Milo Beck Park-Clearcreek Park-Hazel Woods Connector Trail	\$ 250,000	75895
Faircrest Park Improvements	\$ 250,000	75896

First Ladies' Library Improvements	\$ 250,000	75897
Geneva-on-the-Lake Bike Trail	\$ 250,000	75898
Heights to Hudson Trail	\$ 250,000	75899
J. Babe Stern Ball Field	\$ 250,000	75900
Kalida 4 Seasons Community Health/Fitness Track	\$ 250,000	75901
Metzger Park Project	\$ 250,000	75902
Millersport Canal Restoration - Phase I	\$ 250,000	75903
Randolph Township Old School Playground	\$ 250,000	75904
Recreational Field Improvements (Star Mill Park)	\$ 250,000	75905
Wasson Way Uptown Connector Trail	\$ 250,000	75906
Akron Children's Hospital	\$ 225,000	75907
McDonald Commons Master Plan	\$ 215,000	75908
Lawrence County Union Rome Trails and Walkways	\$ 214,000	75909
Ashland Main Street Town Square Park	\$ 200,000	75910
Black River Community Multi-use Facility	\$ 200,000	75911
Bradstreet's Landing Pier, Lakefront Access and Resiliency Improvements	\$ 200,000	75912
Buckeye Lake Dredge	\$ 200,000	75913
East Lincoln Street Connector Project	\$ 200,000	75914
Elks CC Dam Repair Project	\$ 200,000	75915
Holden Arboretum	\$ 200,000	75916
Home Road Trail Extension	\$ 200,000	75917
Kenton Memorial Park Golf Course Recreation Center	\$ 200,000	75918
Kuliga Park Improvement Project Phase I	\$ 200,000	75919
Lebanon Sports Complex Improvements	\$ 200,000	75920
Lima All Ability Playground	\$ 200,000	75921
Lorain County Metro Park Connector	\$ 200,000	75922
Matthew Thomas Park Master Plan	\$ 200,000	75923
Mayerson JCC Improvements	\$ 200,000	75924
Munson Springs Nature Preserve & Historical Site	\$ 200,000	75925
Opportunity Park Improvements	\$ 200,000	75926
Perry Township Lakeshore Improvement Project	\$ 200,000	75927
Red Brook Metropark Flagship Park	\$ 200,000	75928

Shared Use Path Connector from Goosepond Road to the Licking County Health Department	\$ 200,000	75929
Sheffield Village Trail	\$ 200,000	75930
Sylvania Burnham Park Upgrade/Plummer Pool Renovations	\$ 200,000	75931
Wellston Pride Park Revitalization Project Phase II	\$ 200,000	75932
West Jefferson Park	\$ 200,000	75933
Fort Jennings Freedom Square	\$ 175,000	75934
Lebanon Bicentennial Park Restroom	\$ 175,000	75935
McKelvey Lake Park	\$ 175,000	75936
3 Rivers Peninsula Project	\$ 150,000	75937
Antrim Community Center	\$ 150,000	75938
Bronson Park Multi-use Path	\$ 150,000	75939
Crescent Park Regional Universal Play Area	\$ 150,000	75940
Findlay Playground/Grant Park/Over-the-Rhine Recreation Center	\$ 150,000	75941
Glass City Enrichment Center	\$ 150,000	75942
Gorman Park Redevelopment Project	\$ 150,000	75943
Grafton Reservoir Park Trail	\$ 150,000	75944
Grandview Yard Recreational Trail	\$ 150,000	75945
Harbin Park Loop Trail	\$ 150,000	75946
Lancaster All Abilities Playground	\$ 150,000	75947
Little Hocking Community and Recreation Center	\$ 150,000	75948
Moberly Branch Connector Trail	\$ 150,000	75949
Delhi Township Neighborhood Playground Area	\$ 150,000	75950
Ottawa Hills Recreation Field/Renovation	\$ 150,000	75951
Ottawa Memorial Pool Improvements	\$ 150,000	75952
Parker Square and Memorial Park Improvements Project	\$ 150,000	75953
Pickerinton Soccer Association Facility Improvements	\$ 150,000	75954
Piqua Downtown Riverfront Park Improvements	\$ 150,000	75955
Powhatan Boat Ramp	\$ 150,000	75956
Pump House Meadow and Mindfulness Trail	\$ 150,000	75957
Rodger W. Young Park: Kiwanis Inclusive Play Park	\$ 150,000	75958
Strongsville Ehrnfelt Center	\$ 150,000	75959

Swanton Railroad Park	\$ 150,000	75960
Horizon Education Playground Improvements	\$ 140,000	75961
Lake Jinelle Rehabilitation <u>Rehabilitation</u>	\$ 140,000	75962
Wadsworth Durling Park Improvements	\$ 135,000	75963
Plymouth Community Pool	\$ 125,000	75964
Reagan Park and Trail	\$ 122,000	75965
Freeman Road Park Project	\$ 115,000	75966
Mary Rutan Tennis Court Project	\$ 115,000	75967
Lodi's Richman Field Splash Pad	\$ 105,000	75968
Avon Lake Weiss Field Park Pavilion Replacement Project	\$ 100,000	75969
Avon Veterans Memorial Park Expansion	\$ 100,000	75970
Caldwell Ice Rink Construction	\$ 100,000	75971
Camp Butterworth	\$ 100,000	75972
Camp Libbey	\$ 100,000	75973
Camp Stoneybrook	\$ 100,000	75974
Camp WhipPoorWill	\$ 100,000	75975
Carlisle Township Veteran's Memorial	\$ 100,000	75976
Central Avenue Pedestrian and Bike Trail	\$ 100,000	75977
Circleville Ted Lewis Park Renovation	\$ 100,000	75978
City of Brooklyn Trail Project	\$ 100,000	75979
North Olmsted Clague Park Improvements	\$ 100,000	75980
Columbia Township Wooster Pike Bike Trail	\$ 100,000	75981
Concord Township Park Redevelopment Plan	\$ 100,000	75982
Forest Park Central Park Improvements	\$ 100,000	75983
Galion Park Square Renovation	\$ 100,000	75984
Gratis Bicentennial Park	\$ 100,000	75985
Great Stone Viaduct	\$ 100,000	75986
Lisbon Greenway Bike Trail	\$ 100,000	75987
Harvest Home Park Lodge 21st Century Improvements	\$ 100,000	75988
Independence Civic Center Renovations	\$ 100,000	75989
Lake to Lodge Accessible Trail Project at Burr Oak State Park	\$ 100,000	75990
Lockbourne Magnolia Trail	\$ 100,000	75991

Mayfield Village Civic Center Upgrades	\$ 100,000	75992
Meigs County Pool	\$ 100,000	75993
Miracle Field Complex	\$ 100,000	75994
Mitchell Park Trail Connector	\$ 100,000	75995
Perrysville Weltmer Park Upgrades	\$ 100,000	75996
Poland Municipal Forest Restoration	\$ 100,000	75997
Rock Creek Connector Trail	\$ 100,000	75998
Rodger W. Young Park: Ball Diamond	\$ 100,000	75999
Schultz Campus for Jewish Life: Family Recreation and Accessibility Enhancements	\$ 100,000	76000
Stark County Firefighters Memorial Park	\$ 100,000	76001
Summit Metro Parks	\$ 100,000	76002
Village of Chagrin Falls Riverside Park Walking Path	\$ 100,000	76003
Whitehall Community Park Revitalization	\$ 100,000	76004
Waldo Community Center Walking Bridge	\$ 99,000	76005
Karohl Park CXT Restrooms	\$ 95,000	76006
Hobson Freedom Park	\$ 95,000	76007
Marion Township Greenway Phase 1	\$ 85,000	76008
Stanbery Park Shelter	\$ 80,000	76009
Lake Baccarat Richwood Park Improvements	\$ 76,739	76010
Bramble Recreation Area Nature Playscape	\$ 75,000	76011
Brecksville Blossom Hill Baseball Field Lighting	\$ 75,000	76012
Buckeye Lake Crystal Lagoon	\$ 75,000	76013
Geneva-on-the-Lake Shoreline Protection Project	\$ 75,000	76014
Hiestand Woods Improvement Project	\$ 75,000	76015
Lela McGuire Jeffrey Park Soccer Complex	\$ 75,000	76016
Lisbon Park Walking Track	\$ 75,000	76017
McConnelville Community Recreation Building	\$ 75,000	76018
Olmsted Falls Playground Enhancements	\$ 75,000	76019
Olmsted Township Brentwood Playground Development	\$ 75,000	76020
Renovate Existing Fitzwater Train Yard Operations Building	\$ 75,000	76021
Seven Hills Calvin Park Concession Project	\$ 75,000	76022

Summit Lake Vision Plan	\$	75,000	76023
Van Wert Reservoir Trails	\$	75,000	76024
Vermillion Lakefront Revitalization	\$	75,000	76025
Village of Moreland Hills Forest Ridge Park Improvements	\$	75,000	76026
Wapakoneta Veterans Memorial Park Splash Pad	\$	75,000	76027
Wellsville Marina	\$	75,000	76028
Ray Mellert Park	\$	71,000	76029
Willard Park Playground	\$	60,000	76030
Gloria Glens Park Improvements	\$	56,000	76031
Heartland Trail	\$	55,000	76032
Willadale Segment-Southgate Connector Trail	\$	55,000	76033
Bay Village Interurban Pedestrian Bridge	\$	50,000	76034
Chardon Living Memorial Park Improvements	\$	50,000	76035
Earl Thomas Conley Park Improvements	\$	50,000	76036
Fayette Normal Memorial Park Community Splash Pad	\$	50,000	76037
Fox Island Inclusive Playground	\$	50,000	76038
Harmar Pedestrian Bridge Restoration Project	\$	50,000	76039
Jeromesville Square Park	\$	50,000	76040
Jewish Federation of Greater Dayton Nature Trail	\$	50,000	76041
Keener Park Renovations/Pickleball Courts	\$	50,000	76042
Kent State and Stark State Campus Trail	\$	50,000	76043
Kettlersville Village Park Improvement	\$	50,000	76044
Lebanese Cultural Garden	\$	50,000	76045
Leipsic Downtown Park and Stage	\$	50,000	76046
Lyndhurst Inclusive and Accessible Playground Project	\$	50,000	76047
Magnolia Flouring Mills Restoration	\$	50,000	76048
Middleburg Heights Public Park Pavilions Project	\$	50,000	76049
Milford Center Rail Depot	\$	50,000	76050
Moscow Riverfront Stabilization	\$	50,000	76051
Ohio and Erie Canal Way Towpath Trail	\$	50,000	76052
Ohio Township Swimming Pool	\$	50,000	76053
Perrysburg Inclusive Playground at Rotary Park	\$	50,000	76054
Pomeroy Multimodal Path	\$	50,000	76055

Red Cap Park Recreation Development	\$	50,000	76056
Revitalization of Short Park	\$	50,000	76057
Richwood Opera House	\$	50,000	76058
Silverton Town Commons	\$	50,000	76059
Stoner Pond at Ranger Park Fishing Dock Construction	\$	50,000	76060
Uptown Ecological Corridor	\$	50,000	76061
West Union Pedestrian Bike Path	\$	50,000	76062
Wooster Memorial Splash Pad Park	\$	50,000	76063
Thomas Lane Pocket Park Project	\$	46,740	76064
Ault Park Improvements	\$	46,000	76065
Carey Memorial Park Backsplash	\$	45,000	76066
Headwaters Nature Trail	\$	45,000	76067
Village of Lakemore Hinton Humniston Fitness Park Renovations	\$	45,000	76068
Austin Badger Park Path	\$	43,000	76069
African American Cultural Gardens	\$	40,000	76070
Gallipolis City Pool	\$	40,000	76071
Monroe Community Park Activity Center	\$	40,000	76072
Nimisilla Park Excavating	\$	40,000	76073
Rittman Youth Football Field	\$	40,000	76074
Spencer JB Firestone Park	\$	40,000	76075
Ashland County Corner Park Trail	\$	38,000	76076
Jeromesville Community Garden	\$	35,000	76077
Ray Mellert Dog Park Project	\$	35,000	76078
Bradley Park Playground	\$	32,279	76079
Kobak Baseball Field Lighting Project	\$	32,000	76080
Perry Township Community Recreation Center	\$	30,000	76081
Village of Weston Community Splash Pad	\$	30,000	76082
Weston Reservoir Restoration	\$	30,000	76083
<u>Sunny Lake Park Fishing Pier</u>	<u>\$</u>	<u>26,000</u>	76084
New Richmond Liberty Landing Park	\$	25,000	76085
East Liverpool Park Improvements	\$	25,000	76086
Lucas Community Playground	\$	25,000	76087

New Bremen STEM Waterway	\$	25,000	76088
Rayland Friendship Park Restroom Project	\$	25,000	76089
Smiley Park Ball Field Fencing	\$	25,000	76090
Veterans Park of Wellsville	\$	25,000	76091
Willshire Ballpark Enhancements	\$	25,000	76092
Oakwood Community Park	\$	22,610	76093
Cleveland Cultural Gardens - Rusin Garden	\$	22,000	76094
Pirate Park Improvements	\$	21,000	76095
Payne Buckeye Park	\$	20,500	76096
Auglaize Village Handi-capable Heritage Trail	\$	20,000	76097
Kenton Municipal Pool improvements	\$	20,000	76098
Lyons Community Park Improvements	\$	20,000	76099
Wakeman Trail Connector	\$	17,000	76100
Lorain Pier Planning Project	\$	15,000	76101
Alger Park Ballfield Backstop	\$	12,000	76102
Outdoor Band Stage at Lucas Community Center	\$	10,000	76103
Antwerp Riverside Park Fitness Trail	\$	7,500	76104
New Bremen StoryWalk	\$	7,500	76105
Melrose Park Renovation	\$	7,000	76106
Grover Hill Welcome Park Playground	\$	5,598	76107
Broughton Park Playground	\$	4,124	76108

Sec. 223.50. The Treasurer of State is hereby authorized to 76109
issue and sell, in accordance with Section 2i of Article VIII, 76110
Ohio Constitution, and Chapter 154. of the Revised Code, 76111
particularly section 154.22, and other applicable sections of the 76112
Revised Code, original obligations in an aggregate principal 76113
amount not to exceed ~~\$255,000,000~~ \$258,000,000, in addition to the 76114
original issuance of obligations heretofore authorized by prior 76115
acts of the General Assembly. These authorized obligations shall 76116
be issued, subject to applicable constitutional and statutory 76117
limitations, as needed to provide sufficient moneys to the credit 76118
of the Parks and Recreation Improvement Fund (Fund 7035) to pay 76119

the costs of capital facilities for parks and recreation purposes. 76120

Sec. 227.10. 76121

DPS DEPARTMENT OF PUBLIC SAFETY 76122

Administrative Building Taxable Bond Fund (Fund 7016) 76123

C76068	Lorain County MARCS Tower/Sheffield Lake	\$	150,000	76124
C76071	Lewisburg MARCS Tower	\$	400,000	76125
C76072	Richland County MARCS Tower	\$	400,000	76126
C76073	Fredericksburg MARCS Tower	\$	250,000	76127
			<u>500,000</u>	
C76074	Williams County MARCS Tower	\$	250,000	76128
C76075	Bowling Green MARCS Tower	\$	500,000	76129
TOTAL Administrative Building Taxable Bond Fund		\$	1,950,000	76130
			<u>2,200,000</u>	

Administrative Building Fund (Fund 7026) 76131

C76000	Platform Scales Improvements	\$	350,000	76132
C76035	Alum Creek Facility Renovations and Upgrades	\$	950,000	76133
C76036	ShIPLEY Building Renovations and Improvements	\$	1,235,000	76134
C76044	OSHP Headquarters/Post Renovations and Improvements	\$	4,511,542	76135
C76045	OSHP Academy Renovations and Improvements	\$	325,000	76136
C76049	EMA Building Renovations and Improvements	\$	650,000	76137
C76069	Medina County Safety Services Complex	\$	400,000	76138
C76070	Medina County Driving Skills Pad Garage	\$	50,000	76139
C76076	Ohio Task Force One (OH-TF1) Warehouse	\$	50,000	76140
TOTAL Administrative Building Fund		\$	8,521,542	76141
TOTAL ALL FUNDS		\$	10,471,542	76142

10,721,542

Section 610.15. That existing Sections 223.10, 223.15, 76144
223.50, and 227.10 of S.B. 310 of the 133rd General Assembly are 76145
hereby repealed. 76146

Section 610.20. That Sections 125.10 and 125.11 of H.B. 59 of 76147
the 130th General Assembly (as amended by H.B. 166 of the 133rd 76148
General Assembly) be amended to read as follows: 76149

Sec. 125.10. Sections 5168.01, 5168.02, 5168.03, 5168.04, 76150
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 76151
5168.13, 5168.99, and 5168.991 of the Revised Code are hereby 76152
repealed, effective October 16, ~~2021~~ 2023. 76153

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 76154
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 76155
Code are hereby repealed, effective October 1, ~~2021~~ 2023. 76156

Section 610.21. That existing Sections 125.10 and 125.11 of 76157
H.B. 59 of the 130th General Assembly (as amended by H.B. 166 of 76158
the 133rd General Assembly) are hereby repealed. 76159

Section 610.30. That Section 757.50 of H.B. 59 of the 130th 76160
General Assembly is hereby repealed. 76161

Section 701.10. STATE PAY FOR SUCCESS CONTRACT FUND 76162

The State Pay for Success Contract Fund shall be used for the 76163
purpose of funding a pay for success project pursuant to section 76164
113.60 of the Revised Code. The Treasurer of State, in 76165
consultation with the Director of Administrative Services and 76166
Chancellor of Higher Education, shall initiate a pay for success 76167
contract with a service intermediary, as selected by the 76168
Department of Higher Education, and a service provider, as 76169

required, to improve Ohio National Guard Scholarship utilization 76170
and the postsecondary outcomes for scholarship recipients. The 76171
program shall be delivered to eligible Ohio National Guard members 76172
planning to matriculate at a state institution of higher education 76173
in Ohio, as defined under section 3345.12 of the Revised Code. 76174

Section 701.40. (A) There is hereby created the Joint 76175
Legislative Oversight and Review Committee of Federal COVID Relief 76176
Aid. The Committee's purpose is to oversee and review the 76177
distribution and spending of funds received from the federal 76178
government for COVID relief purposes. 76179

(B) The Committee shall consist of the following members: 76180

(1) Five members of the House of Representatives, appointed 76181
by the Speaker of the House of Representatives. Three members 76182
shall be from the majority party and two members shall be from the 76183
minority party. 76184

(2) Five members of the Senate, appointed by the President of 76185
the Senate. Three members shall be from the majority party and two 76186
members shall be from the minority party. 76187

A majority of the Committee's members shall constitute a 76188
quorum. 76189

(C) The Speaker and the President shall appoint members to 76190
the Committee not later than thirty days after the effective date 76191
of this section. Any vacancies on the Committee shall be filled in 76192
the same manner as the original appointment. 76193

(D) The Speaker and the President shall each appoint one 76194
member to serve as co-chairperson of the Committee. 76195

(E) In fulfilling its duties, the Committee may do any of the 76196
following: 76197

(1) Hold hearings; 76198

(2) Hear testimony from witnesses;	76199
(3) Issue reports;	76200
(4) Make recommendations regarding the oversight, expenditure, and reporting of COVID relief aid usage.	76201 76202
Section 725.10. (A) There is established the Probation Workload Study Committee within the Supreme Court of Ohio to study and discuss probation caseload principles, education standards for probation officers, workload capacity principles, and any other additional subjects determined by the Study Committee to be relevant.	76203 76204 76205 76206 76207 76208
(B) The Study Committee shall consist of nine members, appointed as follows:	76209 76210
(1) Three members shall be appointed by the Chief Justice of the Supreme Court.	76211 76212
(2) Three members shall be appointed by the Executive Director of the Ohio Judicial Conference.	76213 76214
(3) Three members shall be appointed by the President of the Ohio Chief Probation Officers Association.	76215 76216
(C) Members of the Study Committee shall receive no compensation for their service and shall not be reimbursed for expenses incurred through participation in the Study Committee.	76217 76218 76219
(D) Not later than December 31, 2021, the Study Committee shall provide its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon submitting these recommendations, the Study Committee is abolished.	76220 76221 76222 76223 76224
Section 733.20. (A) In furtherance of the State of Ohio's intent to improve affordability in higher education, and in recognition of the positive achievements of the Ohio Faculty	76225 76226 76227

Council's October 2017 resolution supporting textbook
affordability initiatives, the State of Ohio hereby tasks Ohio's
institutions of higher education with evaluating their respective
implementation of textbook affordability initiatives.

(B)(1) Consistent with requirements in Title I, Section 133
of the federal "Higher Education Opportunity Act of 2008,"
institutions of higher education receiving federal financial aid
shall disclose required and recommended textbooks not later than
the time at which students can first begin to register for a
course.

(2) Prior to academic year 2022-2023, the administration of
each state institution of higher education, as defined in section
3345.011 of the Revised Code, shall work collaboratively with the
institution's faculty senate, or equivalent body, to consider
adopting a formally recognized textbook auto-adoption policy.

(3) The administration and faculty senate may use, as an
example, the textbook auto-adoption policy implemented by faculty
at Wright State University in 2018, under which faculty members
retain full authority in selecting textbooks and materials
appropriate for their classes.

(C) Not later than August 15, 2022, the board of trustees of
each state institution of higher education shall adopt a
resolution or otherwise formally vote to affirm or decline
adoption of the policy. If the board of trustees adopts the policy
as agreed upon by the administration and faculty senate, the state
institution shall formally transmit a copy of its resolution to
the Chancellor of Higher Education.

Section 733.30. (A) As used in this section, "post-secondary
educational institutions" means any of the following:

(1) A state institution of higher education, as defined in

section 3345.011 of the Revised Code;	76258
(2) A private, nonprofit institution of higher education holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	76259 76260 76261
(3) An institution that holds a certificate of registration from the state board of career colleges and schools;	76262 76263
(4) An Ohio technical center, as defined in section 3333.94 of the Revised Code;	76264 76265
(5) Any other post-secondary education provider determined appropriate by the committee.	76266 76267
(B) There is hereby established the Joint Legislative Study Committee regarding career pathways and post-secondary workforce training programs in Ohio.	76268 76269 76270
(C) The membership of the Committee shall consist of all of the following:	76271 76272
(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;	76273 76274
(2) One member of the House of Representatives appointed by the Minority Leader of the House of Representatives;	76275 76276
(3) The Chairperson and Ranking Member of the House Finance Subcommittee on Higher Education;	76277 76278
(4) Two members of the Senate appointed by the President of the Senate;	76279 76280
(5) One member of the Senate appointed by the Minority Leader of the Senate;	76281 76282
(6) The Chairperson and Ranking Member of the Senate Workforce and Higher Education Committee;	76283 76284
(7) The following members appointed by the Governor:	76285
(a) A representative of the Governor's Office of Workforce	76286

Transformation;	76287
(b) A representative of the Department of Education;	76288
(c) A representative of the Chancellor of Higher Education.	76289
(D) The Committee shall review both of the following:	76290
(1) Current workforce training programs offered by	76291
post-secondary educational institutions and whether such programs	76292
are aligned with local, regional, and statewide workforce needs;	76293
(2) Current career pathways, how they align with state,	76294
regional, and local labor market demand data, and whether they	76295
prioritize credentials that carry the most value in the labor	76296
market.	76297
(E) The Committee shall develop recommendations regarding all	76298
of the following:	76299
(1) The state's workforce education priorities and how those	76300
priorities are funded;	76301
(2) A common definition for short-term credentials and	76302
certificates of value across primary, secondary, and	76303
post-secondary education providers that ensures consistency and	76304
alignment with the state's policy and funding priorities;	76305
(3) Any strategies or programs the Committee identified that	76306
may ensure that the state's investments will increase student	76307
success and career readiness by increasing the number of workforce	76308
certificates and credentials that lead to an in-demand job, as	76309
defined in section 3333.94 of the Revised Code;	76310
(4) The types of reporting and data necessary for the	76311
Chancellor to collect regarding post-secondary workforce	76312
credentials, including programs for which credit is not awarded;	76313
(5) Policy strategies identified by the Committee to increase	76314
awareness and participation by students in career-technical	76315
pathways through partnerships between primary, secondary, and	76316

post-secondary education providers and business and industry; 76317

(6) Strategies identified by the Committee to increase 76318
work-based learning programs such as apprenticeships and programs 76319
that permit students to attend post-secondary educational 76320
institutions while maintaining their employment; 76321

(7) Whether the state should consider prioritizing 76322
investments in short-term credentials through a new funding 76323
structure for workforce education and career-technical programs, 76324
including both of the following: 76325

(a) State support of workforce training programs at community 76326
colleges and Ohio technical centers; 76327

(b) Financial aid opportunities for students pursuing a 76328
workforce certificate or credential; 76329

(8) Strategies to improve and expand short-term workforce 76330
career pathway opportunities to make them more accessible to 76331
residents of the state. 76332

(F) The Legislative Service Commission shall provide support 76333
to the Committee. 76334

(G) Not later than November 1, 2022, the Committee shall 76335
issue a report, in accordance with section 101.68 of the Revised 76336
Code, that includes its findings under division (D) of this 76337
section, its recommendations under division (E) of this section, 76338
and any proposed legislative changes or funding recommendations 76339
determined appropriate by the Committee. 76340

Section 741.10. (A) Notwithstanding any provision of law to 76341
the contrary, on the effective date of this section, all of the 76342
authority, functions, assets, and liabilities of the Division of 76343
Industrial Compliance that were transferred to the Division from 76344
the former Historical Boilers Licensing Board by Section 7 of H.B. 76345
442 of the 133rd General Assembly are transferred to the new 76346

Historical Boilers Licensing Board created by section 4104.33 of 76347
the Revised Code as enacted in this act. The Board is thereupon 76348
and thereafter successor to, and assumes the obligations, duties, 76349
authorities, and responsibilities of, the Division in relation to 76350
historical boilers. Any certificate that was issued by the 76351
Division pursuant to sections 4104.31 to 4104.37 of the Revised 76352
Code, or that was issued by the former Historical Boilers 76353
Licensing Board, that is current and valid on the effective date 76354
of this section is deemed to be a certificate issued by the Board. 76355

Any business commenced under sections 4104.31 to 4104.37 of 76356
the Revised Code but not completed by the effective date of this 76357
section shall be completed by the Board in the same manner, and 76358
with the same effect, as if completed by the Division. 76359

No validation, cure, right, privilege, remedy, obligation, or 76360
liability is lost or impaired by reason of this act's transfer of 76361
responsibility from the Division to the Board. 76362

All rules, orders, and determinations made or undertaken 76363
pursuant to the authority and responsibilities of the Division 76364
under sections 4104.31 to 4104.37 of the Revised Code, or the 76365
former Historical Boilers Licensing Board, shall continue in 76366
effect as rules, orders, and determinations of the Board until 76367
modified or rescinded by the Board. If necessary to ensure the 76368
integrity of the numbering system of the Administrative Code, the 76369
Director of the Legislative Service Commission shall renumber the 76370
rules to reflect the transfer. 76371

Any action or proceeding that is related to the functions or 76372
duties of the Division under sections 4104.31 to 4104.37 of the 76373
Revised Code, or the former Historical Boilers Licensing Board, 76374
pending on the effective date of this section is not affected by 76375
the transfer and shall be prosecuted or defended in the name of 76376
the Board. In all such actions and proceedings, the Board, on 76377
application to the court, shall be substituted as a party. 76378

(B)(1) The following persons shall be employees of the
Historical Boilers Licensing Board created by section 4104.33 of
the Revised Code and shall serve in the positions previously held
within their respective agencies unless the Board determines
otherwise:

(a) All employees of the Historical Boilers Licensing Board
that existed prior to April 12, 2021, that became employees of the
Division via Section 7 of H.B. 442 of the 133rd General Assembly
and that continue to be employed in that capacity by the Division
on the effective date of this section;

(b) All employees thereafter hired by the Division
specifically to carry out duties under sections 4104.31 to 4104.37
of the Revised Code.

(2) The transfer of responsibility from the Division to the
Board shall not be deemed a transfer of employees pursuant to
division (D)(3)(b) of section 124.11 of the Revised Code.

Section 741.11. Notwithstanding section 4104.35 of the
Revised Code as enacted by this act, the Historical Boilers
Licensing Board created by this act shall issue a license to a
person who held an active license to operate historical boilers in
public on April 12, 2021.

Section 743.10. (A) As used in this section:

(1) "Order" means any executive or health order addressing
COVID-19 or any other order related to such an executive or health
order.

(2) "Permitting authority" means a board of health, the
Department of Health, the Investigative Unit of the Department of
Public Safety, the Division of Liquor Control, or the Liquor
Control Commission.

(3) "Retail permit holder" means the holder of an A-1, A-1-A, 76408
A-1c, A-2, A-2f, A-3a, E, or class C or D permit issued under 76409
Chapter 4303. of the Revised Code. 76410

(B)(1) Any violation of an order by a retail permit holder 76411
that occurred between March 14, 2020, and the effective date of 76412
this section is hereby vacated. 76413

(2) Not later than thirty days after the effective date of 76414
this section, the Director of Budget and Management, in 76415
consultation with the Liquor Control Commission, shall determine 76416
the amount of money collected in civil or administrative penalties 76417
for each violation of an order by each retail permit holder that 76418
occurred between March 14, 2020, and the effective date of this 76419
section. After that determination, the Director shall refund to 76420
each permit holder the amount of penalties paid by each such 76421
retail permit holder. The total amount of these refunds is hereby 76422
appropriated. In addition, the Commission shall expunge the record 76423
of each violation. 76424

(3) If a permitting authority has initiated, but has not 76425
completed, disciplinary action against a retail permit holder for 76426
violation of an order that occurred between March 14, 2020, and 76427
the effective date of this section, the permitting authority shall 76428
cease taking such action regarding the order. 76429

(C) Notwithstanding any provision of law to the contrary, on 76430
and after the effective date of this section, a permitting 76431
authority shall not take any disciplinary action against a retail 76432
permit holder if both of the following apply: 76433

(1) The disciplinary action is based on a violation of an 76434
order and the violation occurs after the effective date of this 76435
section, but before October 1, 2021. 76436

(2) Other than violating the order, the retail permit holder 76437
operated in compliance with the retail permit holder's liquor 76438

permit. 76439

Section 749.10. Not later than ninety days following the 76440
effective date of the amendments made by this act to section 76441
4927.01 of the Revised Code, the Public Utilities Commission shall 76442
amend its rules to the extent necessary to bring them into 76443
conformity with that section. 76444

Section 749.20. Notwithstanding section 4911.17 of the 76445
Revised Code, during the period of emergency declared by Executive 76446
Order 2020-01D, issued on March 9, 2020, members of the Governing 76447
Board of the Ohio Consumers' Counsel may meet virtually without 76448
affecting their eligibility for compensation. 76449

Section 755.10. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 76450

There is hereby established in the Highway Operating Fund 76451
(Fund 7002), used by the Department of Transportation, a Diesel 76452
Emissions Reduction Grant Program. The Director of Environmental 76453
Protection shall administer the program and shall solicit, 76454
evaluate, score, and select projects submitted by public and 76455
private entities that are eligible for the federal Congestion 76456
Mitigation and Air Quality (CMAQ) Program. The Director of 76457
Transportation shall process Federal Highway 76458
Administration-approved projects as recommended by the Director of 76459
Environmental Protection. 76460

In addition to the allowable expenditures set forth in 76461
section 122.861 of the Revised Code, Diesel Emissions Reduction 76462
Grant Program funds also may be used to fund projects involving 76463
the purchase or use of hybrid and alternative fuel vehicles that 76464
are allowed under guidance developed by the Federal Highway 76465
Administration for the CMAQ Program. 76466

Public entities eligible to receive funds under section 76467

122.861 of the Revised Code and CMAQ shall be reimbursed from 76468
moneys in Fund 7002 designated for the Department of 76469
Transportation's Diesel Emissions Reduction Grant Program. 76470

Private entities eligible to receive funds under section 76471
122.861 of the Revised Code and CMAQ shall be reimbursed, at the 76472
direction of the local public agency sponsor and upon approval of 76473
the Department of Transportation, through direct payments. These 76474
reimbursements shall be made from moneys in Fund 7002 designated 76475
for the Department of Transportation's Diesel Emissions Reduction 76476
Grant Program. Total expenditures from Fund 7002 for the Diesel 76477
Emissions Reduction Grant Program shall not exceed \$10,000,000 in 76478
both fiscal year 2022 and fiscal year 2023. 76479

Any allocations under this section represent CMAQ program 76480
moneys within the Department of Transportation for use by the 76481
Diesel Emissions Reduction Grant Program by the Environmental 76482
Protection Agency. These allocations shall not reduce the amount 76483
of such moneys designated for metropolitan planning organizations. 76484

The Director of Environmental Protection, in consultation 76485
with the Director of Transportation, shall develop guidance for 76486
the distribution of funds and for the administration of the Diesel 76487
Emissions Reduction Grant Program. The guidance shall include a 76488
method of prioritization for projects, acceptable technologies, 76489
and procedures for awarding grants. 76490

Section 757.10. The State of Ohio does not intend to collect 76491
tax on unemployment compensation reported to unsuspecting victims 76492
of fraud on an Internal Revenue Service form 1099-G from the Ohio 76493
Department of Job and Family Services consistent with Internal 76494
Revenue Service Information Release 2021-24. The State of Ohio 76495
also strongly encourages victims of fraud to report that fraud to 76496
the agency that issued the 1099-G to avoid potential billings and 76497
assessment from the Internal Revenue Service. 76498

The Director of Job and Family Services and the Tax Commissioner shall cause information to be published on the web sites of their respective agencies informing Ohio residents about fraudulent misrepresentations made to obtain unemployment compensation. This information shall include a description of the penalties for such misrepresentations prescribed in section 4141.35 of the Revised Code, any recommended preventive measures to assist a resident in avoiding unemployment compensation fraud, and any actions recommended when a resident suspects or detects such fraud. The information shall be published as soon as practicable after the effective date of this section and remain on the applicable web site until June 30, 2023.

Section 757.20. BUSINESS INCENTIVE TAX CREDITS

In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2022-2023 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2022-2023 biennium and future biennium.

Biennial Business Incentive Tax Credit Estimates

Estimate of total value of tax credits authorized	Estimate of tax credits issued/claimed	Expected Outstanding credits
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(All figures in thousands of dollars)

Tax	FY 2022	FY 2023	FY 2022	FY 2023	End of	76527
Credit					Biennium	
						76528
Job	\$105,000	\$110,000	\$130,000	\$130,000	\$950,000	76529
Creation						
Tax						
Credit*						76530
Job	\$ 0	\$ 0	\$38,071	\$33,351	\$47,900	76531
Retention						
Tax						
Credit						76532
Historic	\$60,000	\$60,000	\$70,000	\$75,000	\$155,000	76533
Preservation						
Tax						
Credit						76534
Motion	\$40,000	\$40,000	\$47,500	\$42,500	\$85,000	76535
Picture						
Tax						
Credit						76536
New	\$10,000	\$10,000	\$9,850	\$9,500	\$43,500	76537
Markets						
Tax						
Credit						76538
R&D Loan	\$0	\$0	\$1,450	\$1,450	\$5,000	76539
Tax						
Credit						76540
InvestOhio	\$2,250	\$2,000	\$1,500	\$1,500	\$3,250	76541

Tax						
Credit						76542
Ohio	\$0	\$0	\$11,250	\$11,250	\$22,500	76543
Rural						
Business						76544
Ohio	\$25,000	\$25,000	\$20,000	\$20,000	\$0	76545
Opportunity						
Zone						
Estimate	\$242,250	\$247,000	\$329,621	\$324,551	\$1,312,150	76546
Total						

*The Job Creation Tax Credit (JCTC) estimate of credits outstanding represents the estimated potential value of certificates to be issued under the program in the future with the existing portfolio of approved and active incentives. The estimate assumes that the companies receiving credits will continue to meet the performance objectives required to continue receiving the credit.

Section 757.30. (A) The Department of Insurance and the Department of Medicaid shall complete a joint study analyzing the following:

(1) Whether allowing an income tax credit based on the cost an individual incurs to purchase long-term care insurance would increase the number of Ohioans that purchase such insurance;

(2) Whether employers or other group insurance plan providers should be able to purchase long-term care insurance policies for their employees or members, and whether allowing a tax credit to such employers or providers would increase the number of Ohioans with such insurance;

(3) Whether hybrid life insurance policies should be included

in the state long-term care partnership program, as that term is 76566
defined in section 3923.41 of the Revised Code. 76567

(B) On or before June 30, 2022, the Departments shall issue 76568
this study to the General Assembly, in accordance with division 76569
(B) of section 101.68 of the Revised Code, and the Governor. The 76570
study shall recommend a range of tax credit amounts, if any, that 76571
could achieve the goals described in divisions (A)(1) and (2) of 76572
this section. 76573

Section 803.10. The amendments by this act to divisions (H) 76574
and (I) of section 3319.31 of the Revised Code are remedial in 76575
nature and apply to any proceeding, investigation, or citation 76576
involving an applicant for an initial license, as defined in that 76577
section, that, as of the effective date of those amendments, has 76578
not reached final adjudication, including all available appeals. 76579

Section 803.20. The amendment by this act of sections 4303.26 76580
and 4303.271 of the Revised Code applies to transfer and renewal 76581
applications filed under those sections that are due on or after 76582
February 1, 2022. 76583

Section 803.30. The amendment by this act of section 5709.121 76584
of the Revised Code applies to tax year 2021 and every tax year 76585
thereafter, as well as to any tax year at issue in an application 76586
for exemption from taxation or any appeal from such an application 76587
pending before the Tax Commissioner, the Board of Tax Appeals, any 76588
court of common pleas or court of appeals, or the Supreme Court on 76589
the effective date of that amendment and to the property that is 76590
the subject of any such application or appeal. 76591

Section 803.40. (A) As used in this section, "exclusive 76592
property" and "auxiliary property" have the same meanings as in 76593
section 5709.21 of the Revised Code. 76594

(B) The amendment by this act of section 5709.21 of the Revised Code applies to applications for an exempt facility certificate filed on and after the effective date of this section.

(C) If exclusive property is not listed on an application for an exempt facility certificate filed under section 5709.21 of the Revised Code before the effective date of this section, the burden is on the applicant to prove that such property was installed, used, and necessary for the operation of an exempt facility, and that it is not auxiliary property.

(D) Division (C) of this section is remedial in nature and is intended to clarify the law as it existed prior to its enactment by this act, and shall it be construed accordingly.

Section 803.50. The amendment of section 5726.20 of the Revised Code is intended to clarify the law as it existed prior to the enactment of this act and shall be construed accordingly.

Section 803.60. The amendment or enactment by this act of divisions (A)(5), (6), and (33) and (S)(5) of section 5747.01 of the Revised Code is intended to clarify the law as it existed before the enactment of this act and shall be construed accordingly.

Section 803.70. The amendment by this act of division (H) of section 5747.08 of the Revised Code is intended to clarify the law as it existed before the amendment by this act of that division and shall be construed accordingly. The amendment applies to taxable years beginning on or after January 1, 2016.

Section 803.90. The amendment by this act of section 5705.19 of the Revised Code applies to property tax questions considered at any election held on or after the one hundredth day after the effective date of this section.

Section 803.93. The amendment by this act of section 5739.02 76624
of the Revised Code applies on and after the first day of the 76625
first month beginning after the effective date of this section. 76626

Section 803.97. (A) The amendment by this act of section 76627
5747.02 of the Revised Code applies to taxable years beginning on 76628
or after January 1, 2021. 76629

(B) The Tax Commissioner shall not make adjustments in 2021 76630
to the income amounts in divisions (A)(2) and (3) of section 76631
5747.02 of the Revised Code, as otherwise required by division 76632
(A)(5) of that section. 76633

Section 806.10. SEVERABILITY 76634

The items of law contained in this act, and their 76635
applications, are severable. If any item of law contained in this 76636
act, or if any application of any item of law contained in this 76637
act, is held invalid, the invalidity does not affect other items 76638
of law contained in this act and their applications that can be 76639
given effect without the invalid item of law or application. 76640

Section 809.10. NO EFFECT AFTER END OF BIENNIUM 76641

An item of law, other than an amending, enacting, or 76642
repealing clause, that composes the whole or part of an uncodified 76643
section contained in this act has no effect after June 30, 2023, 76644
unless its context clearly indicates otherwise. 76645

Section 812.10. SUBJECT TO REFERENDUM 76646

Except as otherwise provided in this act, the amendment, 76647
enactment, or repeal by this act of a section is subject to the 76648
referendum under Ohio Constitution, Article II, section 1c and 76649
therefore takes effect on the ninety-first day after this act is 76650

filed with the Secretary of State or, if a later effective date is 76651
specified below, on that date. 76652

The amendment of sections 102.02, 183.021, and 183.33 and the 76653
repeal of sections 183.12, 183.13, 183.14, 183.15, 183.16, and 76654
183.17 of the Revised Code by this act take effect December 30, 76655
2021. 76656

The amendment of section 127.13 of the Revised Code by this 76657
act takes effect January 1, 2022. 76658

The amendment of section 1907.15 of the Revised Code by this 76659
act takes effect January 1, 2022. 76660

Section 812.20. The amendment, enactment, new enactment, or 76661
repeal by this act of the sections listed below is exempt from the 76662
referendum under section 1d of Article II, Ohio Constitution, and 76663
therefore takes effect immediately when this act becomes law or, 76664
if a later effective date is specified below, on that date. 76665

Sections 122.40, 122.401, 122.403, 122.404, 122.406, 122.407, 76666
122.408, 122.4010, 122.4013, 122.4015, 122.4016, 122.4017, 76667
122.4018, 122.4019, 122.4020, 122.4021, 122.4023, 122.4024, 76668
122.4025, 122.4030, 122.4031, 122.4033, 122.4034, 122.4035, 76669
122.4036, 122.4037, 122.4040, 122.4041, 122.4043, 122.4044, 76670
122.4045, 122.4046, 122.4050, 122.4051, 122.4053, 122.4055, 76671
122.4060, 122.4061, 122.4063, 122.4070, 122.4071, 122.4073, 76672
122.4075, 122.4076, 122.4077, 133.13, 188.01, 188.02, 188.05, 76673
188.08, 188.11, 188.14, 188.17, 188.20, 188.23, 188.27, 188.30, 76674
303.251, 505.881, 727.01, 3302.043, 3313.905, 4301.43, 4926.01, 76675
4926.03, 4926.06, 4926.09, 4926.12, 4926.15, 4926.18, 4926.21, 76676
4926.24, 4926.27, 4926.30, 4926.33, 4926.36, 4926.39, 4926.42, 76677
4926.43, 4926.45, 4926.48, 4926.51, 4926.54, 4926.57, 4926.60, 76678
5751.02, and 5751.03 of the Revised Code. 76679

Section 812.23. Sections of this act prefixed with numbers in 76680

the 200s, 300s, 400s, and 500s and Sections 743.10 and 757.10 of 76681
this act are exempt from the referendum under Ohio Constitution, 76682
Article II, Section 1d, and therefore take immediate effect when 76683
this act becomes law. 76684

Section 820.10. The General Assembly, applying the principle 76685
stated in division (B) of section 1.52 of the Revised Code that 76686
amendments are to be harmonized if reasonably capable of 76687
simultaneous operation, finds that the following sections, 76688
presented in this act as composites of the sections as amended by 76689
the acts indicated, are the resulting versions of the sections in 76690
effect prior to the effective date of the sections as presented in 76691
this act: 76692

Section 109.572 of the Revised Code as amended by both H.B. 76693
263 and S.B. 260 of the 133rd General Assembly. 76694

Section 111.16 of the Revised Code as amended by both H.B. 31 76695
and H.B. 133 of the 132nd General Assembly. 76696

Section 119.12 of the Revised Code as amended by both H.B. 52 76697
and H.B. 64 of the 131st General Assembly. 76698

Section 121.22 of the Revised Code as amended by both H.B. 76699
263 and H.B. 341 of the 133rd General Assembly. 76700

Section 2929.14 of the Revised Code as amended by both H.B. 76701
136 and S.B. 256 of the 133rd General Assembly. 76702

Section 3302.03 of the Revised Code as amended by both 76703
Section 101.01 and Section 120.10 of H.B. 59 of the 130th General 76704
Assembly. 76705

Section 3314.03 of the Revised Code as amended by H.B. 123, 76706
H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all 76707
of the 133rd General Assembly. 76708

Section 3319.31 of the Revised Code, as amended by H.B. 123 76709
and H.B. 263, both of the 133rd General Assembly. 76710

Section 3326.11 of the Revised Code as amended by H.B. 123, 76711
H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 76712
General Assembly. 76713

Section 3328.24 of the Revised Code as amended by H.B. 123, 76714
H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 76715
General Assembly. 76716

Section 3333.31 of the Revised Code as amended by both H.B. 76717
16 and S.B. 40 of the 133rd General Assembly. 76718

Section 5126.05 of the Revised Code as amended by both H.B. 76719
158 and H.B. 483 of the 131st General Assembly. 76720

Section 5747.01 of the Revised Code as amended by H.B. 18, 76721
H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General 76722
Assembly. 76723